

On motion of Mr. Wren, the House adjourned until 10 o'clock A. M. to-morrow.

AUSTIN, Wednesday, January 12, 1853.

House met pursuant to adjournment—roll called—quorum present.

Absentees—Messrs. Camp, Daggett, Doom, Fields, Hamilton, Hartley, Howard, Johnson, Lane, McFarland, Neal, Sims, Stewart, Tankersly, Tarver, Titus, Wilson and Wren.

Journal of yesterday read and adopted.

### PETITIONS.

Mr. Bee submitted the petition of J. P. Pritchard, praying relief; referred to committee on Public Debt.

Mr. Andrews submitted the petition of John R. MacMurdo, praying relief; referred to committee on Public Debt.

Mr. Hamilton submitted the petition of Robert Hunter, Attorney for A. O. Smith, and accompanying documents, praying relief; referred to committee on Public Debt.

Mr. Scott submitted the petition of William E. Mayhew, Alexander Fisher and William D. Miller, praying relief; referred to committee on Public Debt.

Mr. Neighbors submitted the petition of R. J. Jones, praying relief; referred to Finance committee.

Mr. Neighbors submitted the petition of F. Giraud, praying relief; referred to Finance committee.

Mr. Russell submitted the petition of the citizens of Van Zandt county, praying that land therein named be condemned for the use of said county.

Mr. Hartley submitted the petition of William McCoy, praying for land; referred to committee on Private Land Claims.

Mr. Andrews submitted the memorial of Thomas Dean, praying relief; referred to committee on Public Land.

Mr. Palmer submitted the petition of Elizabeth Berry, praying for land; referred to committee on Private Land Claims.

Mr. Rossy submitted the petition of G. P. Wrede, praying relief; referred to committee on Private Land Claims.

Mr. Neighbors presented the petition of Maria de Jesus Trevino, praying for Land; referred to committee on Private Land Claims.

Mr. Cannon submitted the petition of James Crossland,



praying for land; referred to committee on Private Land Claims, No. 2.

Mr. Pollock submitted the petition of John D. Gann, praying relief; referred to committee on the Judiciary.

Mr. Randolph submitted the petition of D. W. Meredith and Martha Meredith, praying for land; referred to committee on Private Land Claims.

Mr. Taylor of Fannin submitted the petition of Josiah Nichols and L. Lewis, praying relief; referred to committee on Private Land Claims.

Mr. Taylor of Harrison submitted the petition of sundry citizens of Harrison county, praying a change of the name of "Marshall University," to that of "Van Zandt College;" referred to committee on Education.

Mr. Hartley submitted the petition of Leander Westcott, administrator of Lewis Williams, praying relief; referred to committee on Public Debt.

Mr. Maverick presented the petitions of A. Deffenbough and Jose Cassiano, Esqr., praying relief; which were referred to committee on Public Lands.

Mr. Maverick presented the petition of Ceasar Monod, praying relief; referred to committee on Claims and Accounts.

Mr. Patrick submitted the petition of sundry citizens of Robertston, Limestone and Leon counties in relation to Eleven League Claims; referred to the committee on the Judiciary.

Mr. Hartley submitted the petition of Leander Westcott, administrator of Patrick Rock, praying relief; referred to committee on Claims and Accounts.

Mr. Rowe submitted the petition of Sylva Forsyth, praying for land; referred to committee on Private Land Claims.

Mr. Flanagan introduced the following resolution:

*Resolved*, That with the concurrence of the Senate, the two Houses will, on Saturday next, the 15th instant, proceed to the election of a U. S. Senator, for the Senatorial term commencing on the 4th of March next.

Resolution laid on the table one day for consideration.

Mr. Hamilton introduced a bill to be entitled "an act to authorize the payment by the Treasurer of the State, the amount allowed by a certificate of the Auditor and Comptroller therein named; read first time; and,

On motion of Mr. Hamilton, the rule requiring bills to be read on three several days, was suspended; bill read second time and referred to committee on Public Debt.

Mr. Hood introduced the following resolution:



*Resolved*, That it is the sense of this House that no business will be entertained, or acted upon during this extraordinary session of the Legislature, other than that which is recommended or suggested to this Legislature by his Excellency, the Governor.

Mr. Rossy moved to lay on the table; carried.

Mr. Patrick introduced a bill for the relief of James Nelson and others; read first time.

Mr. Turner introduced a bill to be entitled an act to incorporate the Alma Institute; read first time.

Mr. Randolph introduced a bill to authorize the District Clerk of Houston county to transcribe certain records; read first time.

Mr. Hamilton introduced a bill to be entitled an act to authorize and require the Commissioner of the General Land Office to issue to James O. Rice or his assignees, a patent to a lot therein named; read first time.

Mr. Hamilton introduced a bill to be entitled an act to make appropriation for, and authorize the payment of Certificate No. 205, issued by the Auditor and Comptroller of the late Republic of Texas; read first time.

Mr. Bee submitted the following resolution:

*Resolved*, That the committee on Public Debt be instructed to enquire into the propriety of discharging the debt of the late Republic of Texas, according to its face value, by paying the amount admitted to be due by the Auditor and Comptroller in money, and the balance in land at \_\_\_\_\_ per acre, and report by bill or otherwise.

Resolution read, and on motion, laid on the table.

Mr. Hamilton introduced the following resolution:

*Resolved*, That the Judiciary committee be instructed by the House, to enquire into the expediency of reorganizing the judicial districts of the State, and report by bill or otherwise, as early as practicable; read and adopted.

On motion of Mr. Runnels, Mr. Westmoreland was placed upon the several committees of which Mr. Crump was a member during the past session.

On motion of Mr. Stapp, Mr. Reed was placed upon the several committees of which Mr. Peebles was a member during the past session.

On motion of Mr. Scott, Mr. Palmer was placed upon the same committees of which Mr. Harrison was a member during the past session.

On motion of Mr. Bryan of Cameron, Mr. Dunlap was



placed upon the same committees of which Mr. Grinsted was a member.

On motion of Mr. Hamilton, Mr. Westmoreland was added to the judiciary committee.

On motion of Mr. Patrick, Mr. Crabb was placed upon the same committees, of which Mr. Hatch was a member, except the committees on Judiciary and Education.

On motion of Mr. Hamilton, the House took a recess of fifteen minutes.

Recess expired—House met—roll called—quorum present.

The following message, with accompanying documents, was received from His Excellency the Governor, through his Private Secretary :

EXECUTIVE DEPARTMENT, STATE OF TEXAS, }  
AUSTIN, January 13, 1853. }

*To the Honorable the Senate,  
and House of Representatives :*

GENTLEMEN: The constitutional privilege of convening you in extraordinary session, has been exercised after a cautious investigation of its expediency; and having assembled in compliance with the proclamation of the first of November, 1852, I greet you respectfully and kindly as the representatives of our common constituents.

In view of the manifold blessings which it has been our lot to enjoy under the guidance of a beneficent Providence since the adjournment of your Honorable body, it becomes us on the occasion of your re-union, humbly, and in the true spirit of thankfulness, to acknowledge the obligations which we owe to our Creator, and with deep humility of heart, to bless him for the distinguished manifestations of his kindness towards us as a favored Nation and State.

The summons which brings you to the Capital at this rigorous season of the year, imposes, I am aware, an unpleasant draft upon your personal convenience and comfort; and in that consideration, it was made with reluctance on my part. But, gentlemen, I should pay a very poor compliment to that exalted sense of patriotism which is supposed to exist in the mind of every man who is entrusted by a confiding people with a participation in the councils of the State, if I were to apologize to you for this temporary interference with your personal interest, involving as it does the pleasant endearments of home and family associations. Our predecessors, whose duty and labor it was to organize and put into successful operation the



machinery of State government, accomplished the delicate and responsible task through turmoil, anxiety and disappointment.

The pioneers of independence in Texas, with still greater sacrifices of that repose and quietude so congenial to our natures, with fortitude and patient endurance, worthy of imitation, succeeded, after a doubtful and eventful struggle, in acquiring this sunny land of ours. They reared upon it institutions which are this day our pride and boast, and which it is our high trust to protect and mature.

Surely, then, we, who are the favored recipients of the substantial benefits achieved by their wisdom and valor, can under no circumstances, complain of the sacred obligation resting upon us to improve, enlarge, and if possible, perpetuate the glorious fabric which they have so nobly begun.

A grand field has been placed before us, cleared of its rubbish; its area is great—soil rich and deep—the culture and the harvest have been left for us all. It is a great moral field, and upon it may be gained a great moral triumph. It is temporarily committed to your charge.

A high sense of duty alone has induced me to convene the legislature. Were I at all timid in the position assumed by this act, or desirous in any wise of lessening the weight of responsibility that is attached to it, I might safely rally upon the cumulative evidences of public opinion in my favor, obtained from many channels. I may safely, however, leave the wisdom and propriety of my course to be tested by the intrinsic importance of the several subjects which I shall have the honor to submit for your consideration. These I purpose to present as clearly as my humble abilities will allow, and as briefly as is consistent with a fair elucidation of them.

The past year has been distinguished by an unusual yield of the agricultural products of the State; and the superabundant returns of the husbandman find a ready demand in the tide of immigration now swelling to an unexampled extent. With few exceptions, general health has been enjoyed by the citizens of every section.

While, then, it affords me the highest satisfaction to congratulate you on the evidences of general prosperity pervading our limits, and the flattering prospect of an auspicious future, the unpleasant duty devolves on me of shading this otherwise bright picture, by alluding to certain existing evils which it is necessary to mention in order that they may be properly met.

In representing faithfully, as it is my duty to do, the desolate and ruined condition of a portion of our south-western frontier, and appealing again to your sense of justice for that



relief which it was the sacred duty of the Federal government long since to have supplied, and at the same time soliciting your sanction of the measures of military defence I have deemed it my imperative duty to adopt, I disclaim any desire to charge the executive head of that government with neglect of duty towards, or want of a proper respect for, the just demands of our frontier. On the contrary, it affords me pleasure to express to you my belief that the President on this subject has been directed by enlarged and patriotic views. His recommendations to Congress in reference to the military defences of the country, have been in the main, wise and expedient. The complicate and arduous duties of that officer, exclude him, however, necessarily, from participation in the details of the various departments, and frequently devolve the execution of important measures upon the heads of those departments, the practical bearing of which, at the time, cannot be fully known to him. With this admission, cheerfully made, it is necessary for the sake of truth, and in defence of my own position, feelings and sense of justice, to separate the honorable Secretary of War from the President, and to hold him directly answerable for the false position he has assumed, and the gross injustice he has endeavored to perpetrate by the uncalled for and unauthorized language he has thought fit to employ in alluding to the volunteer service of this State. In a succeeding part of this communication, I may have occasion to allude to the position and language of the honorable Secretary.

In my message to the legislature of December 26th, 1849, in every subsequent general message, and in several special communications, I had the honor to advert to the situation of our frontier, making such explanations as exhibited its actual condition, and recommending such measures as would ensure peace and security to every portion of it. These references and suggestions failed to elicit any action from the legislature, and on the occurrence of the recent difficulties in the valley of the Rio Grande, the Executive was consequently left without any recourse beyond that conferred by the fourth section of the sixth article of the constitution, and the aids which that clause derived from the ordinary sympathies of, and appeals to humanity. Shortly after the adjournment of the legislature, intelligence reached me of the daily enactment of scenes along the line of the Rio Grande, especially from Laredo to Point Isabel, including also the country about El Paso, the prominent features of which were bloodshed and robbery. On the receipt of this information, I felt keenly the humility of my position,



in the absolute want of means and well defined authority to render the required assistance to these bleeding sections. The obstacles to the recognition of a state military force, brought into the field under nearly similar circumstances by my immediate predecessor, and the reluctance and delay displayed in the adjustment of the necessary expenditure incurred thereby, are fresh in your recollection, and you will allow, were calculated to throw additional embarrassment in my way. Determined to be cautious in the adoption of measures involving heavy expenditures, and vigilant with reference to the true situation of affairs, I delayed for some time in restless anxiety, under the delusive hope that the existing troubles were not so serious, but that they might possibly be overcome by the united efforts of the sufferers, acting in conjunction with the regular military forces stationed in that quarter. Time, however, only served to introduce new and more aggravated disasters to this unfortunate valley, without the probability of adequate succor being afforded by the authority charged with the military defences of the country.

As a measure purely of self defence, the citizens of every trade and profession were driven at last to the extremity of organizing themselves into military corps, armed and equipped at their own expense, and of course at the sacrifice of all the advantages accruing to them from the ordinary pursuits of their several vocations. With every precaution, and after employing all the means within their power, they were yet daily subject to the unhappy fate of witnessing the recurrence of the most tragic scenes: their friends butchered—women and children dragged into hopeless captivity—their property destroyed or carried off; and in fine, every other act of rapacity and violence usual with, and characteristic of lawless associations of renegade Mexicans and savage Indians. With the actual existence of evils such as these, where could they more properly appeal for aid than to their immediate government, after having exhausted without effect, every appeal to the general government? The Executive does not feel conscious of committing a single error in this whole matter, unless it is to be found in delaying too long the adoption of a measure which ultimately he considered himself not only authorized, but compelled to pursue. The delay, however, was essentially necessary, in order that a suitable basis might be afforded for action in a pressing emergency. This emergency at length was fully ripe, and admitted of no further delay. Determined to leave nothing untried that would contribute to the relief of our suffering fellow-citizens of this valley, I resolved, as the last resort, to de-



mand adequate and immediate protection from the commander of the military department which embraces this section.

Accordingly, I repaired, in person, to the head quarters of this officer, representing with what force I could, and in great candor, the merciless onslaughts to which these people were subjected, and the imperative necessity of supplying immediate and adequate assistance. My statements to him were accompanied with irrefutable proofs, derived from some of the most intelligent and reliable citizens of the Rio Grande. This officer, with commendable promptness, gave orders for several companies of mounted riflemen to march in the direction of the scene of trouble. The great object to be obtained, however, to give complete security to the lives and property of the sufferers, was nevertheless, in my belief, by this movement only half accomplished. I do not mean the slightest disparagement to the troops of our regular service. The highly intelligent and chivalric officers and brave men who have won laurels for the nation, will not suffer when brought in contrast with any regular service in the world; but the circumstances under which these companies were to perform a very difficult duty, and the peculiar nature and great extent of the country in which they were to operate, rendered it highly improbable that they could do it in a complete and satisfactory manner.

A large portion of the mounted force despatched to the Rio Grande frontier, was composed of recruits, but a short time in the country, destitute of military experience on an Indian frontier, and wanting that local knowledge of the country without which even the most experienced rangers are unable to act with efficiency. Their horses, too, were unacclimated; a serious drawback, as all military men well know, when called on during the heat of summer to discharge active and arduous duties. Being fully persuaded of the justness of this view, I determined, if practicable, to bring into the field several companies of volunteer troops to act in concert with the regular force.

I communicated to General Smith the suggestion of my probable course, fully explained my reasons for it, and endeavored to obtain his concurrence. This, however, it appears in the sequel, I failed to do.

Shortly after my return to the seat of government, three suitable individuals, well known to the country, were designated by me with authority to raise, and bring into the service of the State, with the greatest possible despatch, a company of mounted volunteers each, armed and equipped for effective duty.— Full and explicit general instructions, relative to the nature of the service and the basis on which it was to be created, were



issued to Colonel James S. Gillett, Adjutant General, who was directed to superintend the organization of the companies and muster them into service. But a few days elapsed ere the first company, well mounted and fully armed, were mustered into the service of the State with marching orders for a position on the Rio Grande, where their services were greatly needed; an occurrence highly creditable to the citizens who volunteered with such alacrity, and the officer charged with the duty of bringing them into the field. The difficulties presented by the great distance, and many other opposing obstacles, necessarily prolonged the time of mustering the remaining companies intended for operation on the lower Rio Grande. Within a reasonable period, however, they were mustered in respectively at Brownsville and Rio Grande City.

Having no means of obtaining ammunition and supplies for the support of this service, the Executive was compelled to throw himself upon the liberality and patriotism of the citizens of the country. In this reliance it is most gratifying to state, that he was sustained. Gentlemen were found in San Antonio, Laredo, Corpus Christi, Brownsville and Rio Grande City, who nobly stepped forward to the rescue, by affording the necessary means of transportation and supplies, and thus enabling the service to be placed upon a firm footing. Such acts, under such circumstances, demand not only a speedy and willing recompence, but the award of praise.

By authority contained in his general instructions, the Adjutant General was directed to enter into contract for supplies in kind and quality such as are allowed in the regular service of the United States, to companies of like organization, and at such rates as he might deem equitable to the contractor and the State. Accordingly, certain contracts were made with individuals of the highest reputation for punctuality and good faith; and so far as I have been informed, they have been faithfully complied with. Duplicates of these are open to your inspection.

From the best information I can obtain, the volunteer companies have been performing good and effective service from the period they were assigned their respective stations, and the inhabitants of the Rio Grande valley have been greatly comforted by their presence. Indeed, the surest guaranty that such results would follow the creation of the service, was derived, in a great measure, from the high character of the officers selected to command it. Captain Shaw, a tried soldier, was known to possess untiring energy; and we find him, on the 22d September, shortly after his arrival at his post, engaged



in a warm action with the Comanches, in which matters were so conducted as to secure an achievement highly creditable to the commander and his men. Perhaps few men of the day have acquired and deserved more reputation for high deeds as partisan warriors, than Captains Davis and Lewis; and I considered myself fortunate in procuring their services at such a juncture.

It is a matter of congratulation that my confidence in these officers has met the expectations of the country. Peace, security and confidence have, for a time, been restored to an interesting portion of the State, to which, for a long period, it had been a stranger.

Such a result is pleasing to contemplate, and calls loudly on your honorable body to award full compensation and reimbursement to all who have contributed to achieve it. This is due to the Executive, who, in this matter, has endeavored to perform his duty in the true spirit of the Constitution and laws, to the brave officers and men who so promptly responded to his call, to the citizens who generously advanced their means, and to our suffering fellow-citizens of the border, whose isolated position excluded them from material advantages which other portions of the country possess. You will, I am sure, gentlemen, agree with me that such a measure is absolutely demanded, in vindication of the true position of the State, as regards her relative power with the General Government. The Executive does not urge any thing apologetic for his course, nor even asks aught in extenuation, but he most respectfully solicits the honorable Legislature to institute the enquiry: whether or not the General Government has afforded complete and satisfactory protection to our citizens residing on the Rio Grande frontier; and whether, if your decision be in the negative, it was not the duty of the State to supply the deficiency through her own means, and then demand reimbursement from the General Government? It was represented by the civil officers, that they were unable to enforce the laws, and that the regular forces stationed in that quarter could lend no aid to effect this object.

The Executive of the State by the 10th section of the 5th article of the constitution, is required "to take care that the laws be faithfully executed." He is authorized likewise, to call forth troops to suppress insurrection and repel invasion. I know but little of the political vocabulary of the honorable Secretary of War, and I have no information derived from his fame as a warrior, as to his choice of a military lexicon; but if he is



not positively obdurate at heart, and his sympathies steeled against us, he must allow, as an intelligent man, that strong combinations of men organized on the west bank of the Rio Grande, and found moving in hostile array within our limits, with the blood of the slain to mark their footsteps, are truly characterized as invaders. Many a heart left ruined and desolate by their acts, can tell of invasion.

On the 20th of August, 1852, I addressed a communication direct to the President of the United States, informing him of the serious difficulties on the Rio Grande, and that, in consequence of the inadequacy of the regular military force, I had felt it my duty to take immediate steps for its relief, and with that view had called into the service of the State three companies of mounted volunteers, to act in concert with the United States troops stationed in that quarter. I requested, likewise, that the General government, would at once recognize the services of these troops, and make such further and more permanent disposition as upon examination should be found necessary to restore peace and security. Transcripts of various papers containing confirmation of the statement made in my communication to the President, were transmitted along with it. The communication and transcripts were very properly referred to the War Department, and here, in my estimation, all official propriety in this matter ended.

The Secretary says, "Your Excellency is probably aware that the Executive has repeatedly informed Congress that the military establishment of the country was inadequate to the protection of its widely extended frontier, and recommended that it be authorized to raise additional force for that purpose. Congress has seen fit to disregard these recommendations, at a time when the necessity for their adoption was more apparent than it is at present. Before the last adjournment of Congress, it was well known that there was reason to apprehend an extensive outbreak of the Indians on the frontier of Texas, and the very fact communicated in Your Excellency's letter, must have been known to the Senators and Representatives in Congress. Nevertheless, that body adjourned without taking any steps on the subject."

Here then, contained in this paragraph, is an unqualified admission by the Secretary, that the United States had failed to give adequate protection to the frontier of Texas. In view of the tragic events which occurred from time to time on the frontier, with this admission I might safely rest the propriety of the call for volunteers. "But Congress having adjourned without



taking any steps on this subject," the honorable Secretary does not like responsibility, and relieves himself of the onus as follows:

"Within a few weeks past, the Department has been informed by the report of its officers, not only that the rumor that the Indians were preparing extensive hostilities, was unfounded, but that in fact, (with a few partial exceptions) they have not been for a long time as peaceably disposed. All accounts concur in representing the Comanches as *unusually quiet*; and by advices received from Colonel Summer, it appears that treaties of peace have been concluded with the Navajoes and Apaches, (the two most powerful nations on the confines of New Mexico and Texas;) that there are now treaties of peace with all the Indians in New Mexico; and, with the exception of some of the roving bands of the plains, the Indians in that section of country have ceased to be troublesome."

On the 30th of September, 1852, the honorable Secretary informed us "that all accounts concur in representing the Comanches as unusually quiet." On the 22d of the same month, Captain Shaw transmitted to me his official account of a severe fight with a party of that tribe, in which the Indians were signally defeated.

It must certainly be flattering to the General Government, that the humane policy toward the Indian tribes is about to be successfully carried out under the administration of Mr. Conrad, even in respect to the nomadic Comanche. The christian and the philanthropist will doubtless rejoice at the prospect of beholding the Navajoes and Apaches capable at no distant day of appreciating national and social obligations. Our far distant friends and fellow-citizens of El Paso, hitherto languishing under the pressure of difficulties, arising from Indian hostility on the announcement from such high authority "that with few exceptions the Indians in that section have ceased to be troublesome," will at once assemble and with bonfires and illuminations, they will chaunt hosannas to him who has wrought this happy consummation, and exulting over such an auspicious event, they will sit down with their red brethren under their own vine and fig tree, and smoke the calumet of peace. But with all these assurances of universal peace, I doubt if the good people of the Rio Grande will be comforted for the irreparable loss of their murdered relations and friends.

The Honorable Secretary continues—"under these circumstances, even if there were a manifest necessity for an additional increase of the military establishment, the Executive would



hesitate to call into the service of the government a description of force, which, *while it is far less efficient than that which Congress refused to authorize*, is more expensive." In an official note to Mr. Howard, one of our representatives, after declining to authorize the muster of the volunteer companies into the service of the United States, he says, "I deem it proper to add, moreover, that volunteer companies thus organized, without the sanction and contrary to the judgment of the authorities properly charged with the defence of the country, have a tendency to create hostilities, and rather to endanger the peace of the frontier." Here, then, we have, in regard to our military history, a specimen of rare intelligence, and an official courtesy of which I sincerely wish we may have few examples. Amidst the gay, gaudy glare of the federal city, the great emporium of fashion and elegance, it is not wonderful that the Minister of War should forget the history of our country, even so far back as the period when she made her transit from a Republic to a State of the Union.

Not possessing the necessary information, if the honorable Secretary had the virtue of patience, he might have learned, that Texas before she transferred her nationality, and with it her resources, to the Federal Union, had demonstrated the efficiency of her volunteer troops by a series of unparalleled successes over the common enemy, while, at the same time, she beat back from her borders hordes of their savage auxiliaries.

This is a matter of history.

If he had possessed the liberal and enlightened views of a statesman, combined with an adequate military knowledge of the wants of the frontier, he would have acted above the suspicion of prejudice, and afforded to democratic Texas the military aids she needed, and had a right to demand.

If with a proper sense of duty, he had possessed any of the milk of human kindness, instead of the cold, calculating, political communication, such as we have now to lament, the honorable Secretary would have confined himself to the propriety of stating that under existing laws, the volunteer companies mustered into the service of the State, could not be received, but that the Executive would recommend to Congress the justice of making the necessary appropriations to meet the contingency.

I will not, however, detain your honorable bodies with further comment upon the extraordinary views on this subject entertained by the honorable Secretary of War as expressed in his communication herein referred to. I only desire that the matter should be placed in a proper light, and not be subjected



to the neglect which might enure from the indifference in reference to it so clearly manifested by that gentleman. The documentary evidence accompanying, will irrefutably prove the assertion that the regular troops in that quarter, were from nature and paucity, unequal to the task assigned them of protecting the inhabitants and their property, and, that under the refusal of the Federal government to take the necessary steps, there remained but two alternatives, either for the State to come forward and save them, or permit lawless bands of foreigners and savages to desolate the country, and seal their daily atrocities in their victims' blood.

Among the various papers connected with the subject herewith transmitted, I have the honor to lay before you an estimate of the probable expenditure caused by the mustering in of these volunteer troops, drawn up by the Adjutant-General of the State under my direction; and I respectfully ask that your honorable bodies will make such an appropriation as will meet the contingency thus created.

The services of these three companies of volunteers, respectively, expire under their present term on the 18th of February, and 14th and 21st of March, 1853; and the state of affairs on the lower Rio Grande render it highly probable that a continuation of their services will be necessary; should it, therefore, be deemed by your honorable bodies advisable to continue all, or any of them, beyond that period, it is respectfully suggested that a further and suitable provision be made to cover the additional expenses thereby incurred.

The unfortunate situation of the upper Rio Grande, rendered it impracticable to furnish volunteers with the necessary supplies, and the Executive was consequently unable to render the protection they have so long needed and so earnestly solicited.

The accompanying documents, herein referred to, are marked A 1 to 32.

The adjustment and final settlement of our entire public debt, without further delay, is a subject of such immense importance, intimately connected as it is, in my judgment, with the immediate and prospective developments of the various resources of the State, and deeply involving her honor, that it should engage the most serious deliberation of your honorable bodies.

Near the close of the last session of Congress, several propositions in reference to this subject were laid before that body, and from the zeal with which they were pressed by their res-



pective advocates, a reasonable expectation was indulged, although no final action was taken upon any of them, from the active and powerful influences likely to be renewed on the assembling of the present Congress, that some one of the proposed measures would be adopted; constituting thereby a sufficient basis for action on your part.

Influenced in a great measure by this consideration, I believed the day named in the proclamation for convoking you, the most auspicious that could be chosen.

It does not appear, however, that Congress has taken any definite action on any of these propositions; nevertheless, such is the urgency of this question to the State and her creditors, and I may add, to the United States, that I sincerely believe that it is a legitimate and proper one for discussion and action during your present session.

The financial committee of the United States Senate reported a bill, the object of which was to pay the revenue debt of Texas at its face value, in three per cent. stock, cancelling the five millions of five per cent. stock due the State, under the boundary act of September 9, 1850.

The source from which this proposition emanates, certainly entitles it to respectful consideration; and if it is to be valued by Texas in the ratio of the pecuniary benefits likely to be derived from it, then indeed, she might, without ceremony, embrace it and rejoice over the bargain; but in this instance it is my honest conviction that we cannot faithfully serve our country and mammon too; and if a measure should be adopted by the Federal Government without the concurrence of the people of Texas, it will manifest an utter disregard of the sovereignty of the State, and should be indignantly repelled.

While the State of Texas would not object that the Congress of the United States should bestow upon the creditors of Texas, or upon any other class of her citizens, any gratuity which to that honorable body may seem expedient, yet we ought seriously and strenuously to protest against their assuming the adjudication of the character and amount of our liabilities, and the establishment of that amount in contravention of the rules which the State has adopted after much delay, discussion and embarrassment. And more especially ought we to protest against an appropriation of the money of the State by any authority other than her own Legislature, when the avowed object of the appropriation is to apply it in violation of the settled policy and laws of the State.

Does the five millions of dollars retained in the Federal



Treasury belong to the United States? It does not. It is as much the property of Texas as was the five millions which have already been paid to her, and she alone has the right to prescribe in what manner it is to be applied. It is true that it is retained, unfortunately, with our assent, as a guaranty against the supposed liability of the General Government for certain debts of Texas, contracted prior to annexation—retained, however, only as a security, and without the shadow of a right to appropriate any portion of it.

The act of Congress in which this fund had its origin, was accepted by the people of this State as a measure of compromise, and it manifestly contemplated that it should be paid to the State; that payment to be withheld until a certain class of her creditors should file releases at the Federal Treasury of all claim against the United States for their debt; but by none of its provisions could it have been intended that these debts were to be paid out of this fund by the officers of the United States Treasury, and much less could it have been contemplated that these officers, or Congress, or any other power than the State of Texas, should determine what was the amount of her indebtedness; and to assume to do so now will be a violation of the compromise act, and a direct insult to us, implying, as it would, a want of integrity on our part in the adjustment of the claims of our creditors.

Texas, as a sovereign State, claims the right to settle with her creditors and to pay them at her own treasury, without the intervention or interference of any other power; but whether they are to be paid here or at Washington City, is not, perhaps, a matter of sufficient importance to make it a subject of contest. We may well afford to waive all unmeaning punctilio in order to hasten the desirable consummation of paying the debt; but it is a question of very grave interest, and one which self-respect forbids us to yield, whether the payment is to be made according to our own ascertainment of the amounts respectively due to each one of the creditors, or whether the Congress, or the officers of the Treasury of the United States, are to determine that point for us.

A proposition has been made to Congress by a portion of the creditors of Texas, at whose head was General James Hamilton, a gentleman of enlightened views, who has always, I am happy to state, manifested respect towards Texas in all her embarrassments, and a willingness to settle with her, upon just and equitable principles, so to modify the provisions of the act of 1850, under which this money was retained in the Treasury,



as to permit such of the creditors as were willing to file their releases to receive at once the amount which was due them according to the adjustment of their claims made under our laws. This proposition, so reasonable and just in itself, should, in my judgment, have received the sanction of Congress, without the slightest hesitation.

It is unnecessary again to call your attention to that strange provision of the law, (or, more properly, that strange construction of the law) under which the entire five millions are to be retained until every creditor has filed his release. It is a provision, (if the act has been properly construed) which must have been incorporated, without due reflection upon the effect of its practical operation, for we are not willing to entertain the belief that the Congress of the United States ever designed that one or two obstinate creditors should, by refusing to file their releases, have it in their power to defeat the efforts and wishes of all the others and of the State in the final settlement of these claims; and yet such is, and will continue to be, the practical operation and effect of this provision, until it is modified in the manner proposed by the creditors to whom I have alluded.

The various questions connected with the public debt of the State, have been so often presented by me to the consideration of the Legislature, and have been so often discussed by it, that it would seem superfluous to employ any further argument in reference to the subject; still it occurs to me that all hope is not yet lost, and that something may and should be done by us, to relieve the State from the unpleasant crisis hanging over her in consequence of her situation in this matter.

It appearing, thus far, that Congress has failed to take any action in either of the propositions to which I have referred, it may now be proper for you, as the representatives of the people of the State, to indicate by resolution or protest, the views which all who entertain a just sense of the rights of Texas and her sovereignty must maintain on this question.

The proposition contained in the bill of the finance committee of the Senate, was no doubt adopted from patriotic views, and with the best feelings for Texas. In her sovereign character, however, she claims the undeniable right to examine its material features, and judge of their merit. Believing, then, if this measure is allowed to pass tamely and without resistance, that it will sweep away with it every shadow of State sovereignty, I must be allowed to say it is, in my estimation, wholly inadmissible; nor is submission to it, in my judgment, the proper way to indicate our regard for the Federal Union or our



relation to it. As a precedent it is dangerous and should be avoided. A very sagacious writer justly observes: "One precedent creates another. They soon accumulate and constitute law. What yesterday was fact, to-day is doctrine. Examples are supposed to justify the most dangerous measures, and when they do not suit exactly, the defect is supplied by analogy." The position which I now occupy towards my constituents and fellow-citizens, will soon cease to exist; but, in surrendering to them the high trust which they so generously confided to my hands, I should feel that I had acted the part of an unfaithful servant, if I fail to do all that is in my power to keep from their escutcheon the foul blot which, in my humble judgment, would tarnish it, were we tamely and silently to allow the Congress of the United States, or any other power, to interfere with our internal affairs and to assume their management without even extending to us the poor compliment of consulting us on the subject.

While these are my views as to the true position the State has a right to hold in reference to this reserved fund, it may still be worthy of consideration, inasmuch as she is at present paralyzed by the non-action of the Federal Government, and may probably remain so for a length of time, whether, under all the circumstances, it might not be expedient for Texas to consent to the issue of three per cent. bonds in amount equal to the face value of the revenue debt, as a substitution for an amount of five per cent. indemnity bonds equal to the scaled value of said debt as adjusted by the Auditorial Board. That is to say, in illustration, that the United States issue eight and a half millions of three per cent. stock on the surrender, by Texas, of four and a half millions of the stock due under the act of 1850.

I make this suggestion to your honorable bodies in view of the vital importance to the interest of the State that some plan should be adopted by which this vexatious and annoying subject may be settled consistently with the honor and rights of Texas, and unless some better plan shall be conceived by your collective intelligence, it may probably serve as a basis for your action in bringing this matter to a close, in a satisfactory manner, to the three interested parties, to wit: the State, her creditors, and the United States. It is to be distinctly understood, however, that the mode of adjustment adopted by Texas is equitable and just.

By the proposed plan, Texas loses nothing; the General Government, ultimately, is not greatly loser (as the difference be-



tween the rate of interest of the two stocks, three and five per cent., would almost, at maturity, amount to the excess of issue in the principal,) the creditors would be reconciled, and a satisfactory settlement of the debt effected. This is a mere suggestion thrown out with due deference for your consideration and better judgment.

The report of the State Treasurer and its accompanying statements marked B 1 to 5, herewith transmitted, gives a lucid exhibition of the transaction of his office for the fiscal year ending on 31st October, 1852. In drawing the particular attention of your honorable bodies to these important and interesting documents, I with pleasure recommend the adoption of the suggestion therein contained, and trust that the requested sanction will be given to the course that has been pursued by the Treasurer in the discharge of his arduous duties.

Since the adjournment of the Legislature, the subject of internal improvements has excited a lively interest throughout the State. Public meetings and conventions have been held at various points, and at all of them there has been a decided expression of opinion in favor of some liberal and enlarged system, having for its object the connexion of the various points of the State by a rapid mode of intercommunication.

At one time the improvement of our rivers seems to have attracted the largest share of public attention, but it now appears to be generally conceded, that of themselves they will be incapable of affording the means of transportation and travel which the rapid settlement and vast resources of the country will require; and it is at the present time a question of serious consideration with many intelligent citizens, whether a large expenditure of money for the internal improvements of the State, and for the facilities of commerce would not be better applied to the construction of railways than to the opening of our water courses.

It is believed that no section of the Union is better adapted to the construction of roads than Texas. In many regions vast stretches of country would require very little grading, and the facility with which the ground could generally be prepared for the reception of the rails, would more than overbalance the inconvenience which might result from the scarcity of timber in some of the sections over which such roads would pass: an inconvenience that would hardly be felt, if the works were commenced at points where the advantages of the gulf would afford cheap transportation of iron and other material until the wood lands could be reached.



Hitherto several charters have been granted to individual companies, and if the routes thus authorized can be completed within a reasonable time, the advantages to the country would be incalculable. By a law of the last Legislature, a donation of eight sections of land of 640 acres each is granted for every mile of rail road that may be constructed by these companies, but, up to this period, that liberal act is inoperative as a means of capital in the hands of the companies for whose benefit it was intended.

Among the various plans discussed with a view to the accomplishment of this great object, two have been brought prominently before the public. The first is found in the bill which was before the House of Representatives at the last legislature, the features of which are no doubt familiar to your honorable bodies. In addition to the eight sections of land per mile to be given, the friends of that measure propose to set aside as a permanent internal improvement fund, some two and a half or three millions of dollars, to be loaned to such rail road companies as shall within a reasonable time complete a given section of road upon any projected routes, in amount not to exceed \$4,000 per mile, and a like sum for each subsequent section that may be completed; such companies mortgaging all interest in the property of the road to the State, and paying an interest of five per centum per annum; which interest is to form a general educational fund. This is in effect a proposition for the State to set aside a specific amount of the money now in the Treasury, to be loaned to the respective companies in sums equal to about one-third of the cost of constructing the roads; and to be loaned only as the works progress, the State securing to herself a lien upon the investments made by the stockholders, and upon the whole road for the repayment of the sums loaned.

In addition to this, the advocates of this measure propose to provide for such prospective guarantees in regard to the landed donations as will enable the companies to anticipate the use of the lands as a means of procuring capital for the speedy completion of the projected works. They also propose that each county and town in the State shall be at liberty, by popular vote, to subscribe in their corporate capacity for such an amount of stock in any road or enterprize as they shall elect; the amount thus paid by each inhabitant to become a stock certificate; the whole system to be submitted by an enactment of the Legislature to the people, for their approval or rejection.

This cursory view of the general propositions contained in



the plan referred to, it is believed, sufficiently embraces it. Its advocates urge with zeal that the system if adopted would speedily facilitate the construction of several useful enterprises. That the State would be secure in her loans, as the individual investments would preclude unprofitable routes or speculations—that the land donations would greatly enhance the residue left to the State—that the completion of valuable improvements would increase the wealth of the country, and add to its substantial taxable property—and that upon the return of the fund to the Treasury, it could again be invested in other works until every portion of the State would derive an equal share of its benefits.

The other plan, and the only one to which I shall also allude at present, was originally presented by the recommendation of a convention held at Galveston, and is perhaps familiar to most of you. This plan contemplates a scheme of internal improvements to be undertaken and conducted wholly by the State. These improvements, it is intended, shall supersede the individual enterprises already authorized. To raise the necessary funds, it is proposed that the State should borrow the capital upon the faith of the public credit. A constitutional prohibition, it is admitted by the friends of the measure, stands in the way of this undertaking; and it is therefore proposed by them that the constitutional restriction be removed by submitting a proposition to the people to this end, and if effected, it is insisted that the State credit would more certainly raise the capital than any individual security.

I am not prepared to say that a change of the constitution in this respect would be either wise or salutary in the present attitude of our State affairs. The inhibition against loaning the credit of the State, was intended, and I think wisely so, to avoid the embarrassments into which the Republic of Texas and many of the States of the Union had fallen. Without such inhibition, combinations, or hasty legislation might lead to such improvident uses of State credit as would involve difficulties requiring years for their removal; and although it might seem to afford a temporary impetus to the prosperity of the country, yet would result ultimately in the prostration of its energies and power.

I likewise entertain doubts of the propriety of the State engaging in works of internal improvement, to the exclusion of all individual enterprise. Experience has shown that governments pay higher for public works or supplies than individuals engaged in similar undertakings, and there is, generally speak-



ing, much less dispatch in their prosecution. The capital invested by individuals prompts them to energy and economy, while public agents have not the same incentives of personal interest to urge them to either the one or the other.

It has occurred to the Executive, that the first plan is, in fact, what the second is confessedly, subject to constitutional objections, inasmuch as no appropriation can be made for purposes of internal improvement for a longer period than two years. It is believed, however, that no such constitutional objection exists as regards appropriations for purposes of education. The whole spirit of our legislation shows that this great object was not only intended to be, but should be paramount to all others in receiving the fostering care of the government.

I am not prepared to say what amount of money now in the Treasury could be spared for this purpose, after a fair adjustment of the public debt. It seems to me, however, if this difficulty were fairly adjusted, the friends of the great interest of internal improvements might unite upon a plan which would accomplish their favorite object, without being sectional in its character, or infringing upon any constitutional inhibition. The Legislature might appropriate any sum of the United States bonds, now in the Treasury, which could be spared without injury to the public faith, as a permanent education fund. Then, as a secure investment of that fund, its loan might be authorized, under certain prescribed guarantees, to such railway companies as should have completed, and have in successful operations, a certain section of road; (the longer the section the greater the security to the State;) the sums loaned not to exceed one-third of the cost, at a minimum price, and increasing the loans with the progress of the road: the State to be secured by preferred mortgages upon the roads, and the loans only to be continued until the principal and interest reimbursed could be profitably invested in some general system of education.

It is believed that a system embracing these general features, aided by donations of land would, if judiciously granted for a few years, ensure the employment of sufficient private capital to construct a few prominent roads, such as are now most strongly required by the wants of the three great sections of our State. It has been estimated upon demonstrable calculations, that the active employment of such a capital for seven years, would add over one half to the original investments made by the State, and, if continued for seventeen years, the original amount would be nearly trebled.

In presenting to you the several features of these different



plans, I am only influenced by a desire to lay before you such information as I have in relation to a subject which now occupies so large a share of public attention.

Whilst I acknowledge to you, and to the country, that I am in favor of the construction of railroads, as well as the improvement of our principal rivers, upon a well devised system, to be based upon the true resources of the country, and adapted to its wants, I must at the same time confess that I regard it as secondary to a full and fair adjustment of our public debt as ascertained by the Auditor and Comptroller. That the State has money in her Treasury beyond what is necessary for the ordinary support of the government, presents, in my estimation, the strongest argument for the payment of her debt; and until this is done, or some certain provision made for that object, the appropriation of the money to other purposes would be exercising bad faith towards her creditors, and would inevitably depress her character abroad, to a greater extent than the accomplishment of the most stupendous system of internal improvements could elevate it. Nations, like individuals, should be just in the performance of their engagements, and whenever they depart from this well recognized principle of ethics, however tempting may be the lure that draws them off, they will suffer, and they deserve to suffer in the estimation of the civilized world.

It is my anxious desire, then, that in our zeal, laudable though it be, to develop the resources and add to the prosperity of our State, we should do nothing that would cast a blemish upon her good faith. Let this be kept free from stain, and I will go "heart in hand" with you, in any measure of internal improvement calculated to advance her interest, and give her a prominent place among the States of our glorious Union.

The views, gentlemen, which I have thus imperfectly submitted, are intended more for the purpose of calling your attention to an important subject, than with a view of giving any directions to your deliberations and action upon it.

It is manifest from the lively interest pervading the country on this subject, and the great prominence it has attained, that some action will be expected from you in reference to it. In passing from it I will only add, that it will give me pleasure to co-operate with you in any measures connected with this important matter, should I find them, on examination, consonant with my notions of sound policy, and the duties imposed by my constitutional oath.

The enactment of a law to apportion representation through-



out the State in accordance with the provisions of the constitution, is imperatively required at your present session.

A bill for this purpose was passed at the last regular session of the legislature. The circumstances under which it was presented to me, are well known to you, and I presume to the country generally. It is sufficient to state that, although this bill was reported on the 15th day of January last, it was not presented to me until 10 o'clock of the night of the 16th of February following; one hour before the time fixed by the legislature for its adjournment. During this short interval, other bills were presented for Executive action, so that it was impossible for me to read over and duly examine the provisions of the important and complex act in question, and enable me either to approve the same or return it with my objections.

The whole responsibility, therefore, of approving or rejecting the bill, was thus thrown upon the Executive, without affording him any opportunity of examining its merits. No other alternative was left him, but either to withhold his sanction from the bill, or *blindly* approve it.

Under these circumstances, and as a co-ordinate branch of the law-making power, having equal privileges granted to, and responsibilities imposed on me, the course which duty dictated was promptly taken. I did not sign the bill. Subsequent reflection convinced me of the propriety of the course pursued; for it is admitted in all sincerity that the bill could not have met my approval.

To my mind its most objectionable feature was, that it provided for an increase of the representation in each House to the maximum allowed by the constitution. In this sudden and un-called for increase of representation, I could see nothing but evil. A large additional expense to the State government, together with greater delay, confusion and difficulty, would be its inevitable result.

The bill, moreover, in many of its details, appeared to me partial and unjust.

Admitting, as I do, the impracticability of framing an apportionment which will be equal and just in all its provisions, yet I feel confident that you can devise one which will more nearly attain such a result than the bill referred to.

In connection with this subject it is proper that I should mention the necessity that exists for a classification of the Senate, as required by the constitution.

By an act of the State legislature, approved May 7th, 1846, entitled "an act to authorize the Governor to procure and have



copied for the benefit of the several counties of the State, a full set of weights and measures in conformity to the standard now used and adopted by the government of the United States, and providing for the distribution of the same," it was evidently intended by that body to provide for the contingency thereby presented; but in consequence of a failure on their part to make any appropriation to meet the disbursement thus created, the Executive has not been able to comply with the requirements of the act.

The attention of the following legislature was drawn to the subject by my immediate predecessor, Governor Wood, in his general message of November 6th, 1849, in which he remarks in reference to the subject: "The Chief Justices of several counties have written to the Executive, asking to be provided with a copy of these for their respective counties, in accordance with this law. In consequence, however, of no appropriation having been made to enable the Executive to carry this law into effect, it has remained a dead letter on our statute book. The United States government forwarded to this State a full set of weights and measures, but when they were about being set up, in pursuance of my direction, at Galveston, they were found to be in an unfit condition for use. I am advised, however, that with a small outlay, they can be repaired." No action, however, appears to have been taken on His Excellency's recommendation, and consequently the requisition of the act referred to, has not yet been complied with. The applications to this Department have been renewed by several of the counties, and I therefore trust that your honorable body, in view of the growing importance of the matter, correlative as it is with the increasing population and mercantile interests of the State, will make such an appropriation as will cover all the expenses that will be occasioned by carrying out the provisions of said act, and suitable rooms for the storage and safe keeping of the articles to be procured.

Although you are convened for special purposes, and are not expected by your constituents to enter into general legislation, I cannot refrain from a renewal of the recommendation in my last general message, relative to a geological reconnoissance of the State. Private enterprise has led to so many discoveries, and has so far outstripped the State in this matter, that the subject has created a powerful interest, and its neglect by the government a general reproach. An able and minute examination would, at no distant day, repay the State a thousand fold for the outlay incurred by the survey. It is, moreover, especially



necessary that we should possess a knowledge of the resources of the south-western and northern portions, from the probability that a negotiation will be entered into shortly with the Federal Government for the purpose of setting apart a portion of country for the location of Indians; and in this event substantial benefits might be transferred, and consequently lost to the State, for want of a proper knowledge of their existence.

It is with much regret, I am again under the necessity of calling your attention to the condition of Petters' Colony.

It was anxiously hoped and believed, by those who were instrumental in the enactment of the law of the 10th of February last, relating to lands in this colony, that it would give quiet and repose to that section of our State. But so far from this having been the case, difficulties have arisen since that time, most unfortunate in their character and result, not only to the contractors and colonist, but to the State itself.

From the best information I can obtain, it appears that the relinquishment and release required by the first section of the law was made by the Agent of the Company, Henry O. Hedgcoxe, Esq., within twenty days after the passage of the same, and after he had given bond and duly qualified in accordance with the provisions of said act; and the certificates for the 1,700 sections of land, granted to the "Texan Emigration and Land Company," were regularly issued and delivered to the Agent, by the Commissioner of the General Landoffice.

I am sorry to say that in the discharge of the various duties imposed upon the Agent by the act in question, serious misunderstandings arose between him and many persons in the colony, growing for the most part, I presume, out of different constructions given to the law, and to some extent, perhaps, from an oversensitiveness consequent from previous misunderstandings between them. Whatever may have been the causes, the excitement on the part of the colonists at length became so great, that on the 16th day of July last, a large number of persons violently seized upon the files of almost all the colonists, together with many books and records of the Agent, and by threats forced him to abandon his office and leave the country.

I herewith transmit to you the Agent's report of his proceedings under the law, and of this unfortunate and ill advised movement.

I also transmit two other documents received from citizens resident in that quarter, giving their account of the affair, and urging upon the Executive the necessity of an extra session, in order that further legislation might be had in reference to the colony.



A complete return from the Agent was thus defeated, and consequently the Commissioner of the General Landoffice has not felt authorized to issue patents.

The returns made to the Commissioner of the General Landoffice, will of course be submitted to your inspection. Indeed it will be the peculiar province of the Legislature carefully to examine the whole subject, in order to determine what further action may be necessary, to give quiet to that section of the country, to secure the rights respectively guaranteed by the State, to the colonists and to the contractors, and to relieve the State from the embarrassment caused by the existing condition of the affairs of the colony.

It does not become me, nor do I conceive it to be my duty, to interpret the various laws which have been enacted, and which in their practical operations have led to this controversy. This is the peculiar province of the judicial tribunals of the country.

Whatever may be the rights of the respective parties, under the law, my feelings towards the colonists who have endured all the hardships and privations of an exposed Indian frontier, induce me to express the hope that their actual settlements and improvements may be secured to them and their families.

But in the expression of this sentiment, I wish it distinctly understood, that no matter what hardships may have been imposed by these laws, either upon the contractors or colonists, or what constructions may have been given to them from any quarter, I do not sanction or approve the course pursued towards the Agent of the company. We have laws, and courts to administer them. If rights are violated they can be legally redressed. In my opinion, both as the Governor of the State, and as a private citizen, nothing but an extreme case can justify a resort to violence by any portion of our citizens, or the seeking redress by any other means than those offered and sanctioned by the laws of the land.

From the commencement of her existence, Texas has ever been kind and liberal to the actual settlers upon her soil, no matter by what tenure they held it. Whether as colonists, or as emigrants, they have ever been regarded by the government as a favored class, and by a generous system of legislation have been secured in, or enabled to obtain the lands claimed by them. A like liberal course has, I think, been pursued by the Legislature towards the settlers in Peters' Colony, as well as towards the contractors. In giving my assent to the law of the 10th February last, it was with the confident belief that the rights and interests of all the parties concerned, were fully



protected. If the true meaning and intent of the law is given to it, such, I still think, will be its legitimate effect.

The Executive has been much censured for his approval of the act of the last Legislature, in relation to this colony, by which the contractors are to receive 1,700 sections of land; he therefore wishes it to be remembered that he had no part in framing the original contract on which this enactment was based.

After all the legislation which has been had upon this subject, attended as it has been by the present deplorable results, I confess myself unable on this occasion to suggest anything which may relieve the matter of its embarrassment, further than to recommend mutual good will and forbearance on the part of the company and colonists, as well as the friends of both. Should this spirit control, I have no doubt it will be easy for you to devise some plan to reconcile their differences, and I will give my hearty co-operation and assent to any measure which will have this effect.

As an earnest that such a feeling will actuate all parties concerned, I indulge the hope, and earnestly recommend, that the papers of the colonists and property of the company may be restored to the custody of the officer authorized to receive them.

I also deem it proper to call your attention to a document herewith transmitted, addressed to the Executive, and signed by many of the oldest and most respectable citizens of Bastrop, Fayette and Lavaca. From this it appears that near five hundred square miles of territory, embraced in the counties aforesaid, comprising some of the richest lands in the Colorado valley, and which, until recently, was supposed to be in Austin's Old Colony, really lie without the limits of the same.

Titles to a great deal of the most valuable land in this territory were long since issued by the commissioners of Austin's Colony, to those who settled as colonists, under the confident belief, no doubt, that they were within the limits of the colony. That such is not the case, however, has lately been ascertained beyond all doubt.

It is evident, therefore, that those holding, or claiming these lands, under titles issued by the commissioner of Austin's Colony, are subject, under existing circumstances, to have their titles contested. In order that this evil may be avoided, and injustice towards a most meritorious portion of our citizens prevented, I respectfully recommend some legislative action which will confirm and quiet the titles issued originally to colonists in the territory above referred to.



The third legislature of Texas passed a joint resolution, authorizing the procurement of a block of native marble, or granite, or some other durable rock, and required the Executive to have the same transmitted to Washington City for the purpose of being placed in the National Monument to be there erected to the memory of Washington. The meagre appropriation under the resolution rendered it inoperative. The fourth legislature, in view of its manifest deficiency, authorized the sum of one thousand dollars to be used for that purpose. Under this authority the Executive engaged the services of Major Thomas S. Smith, an enterprising and well known citizen, to obtain various specimens of marble or granite, with a view of making a selection that would appropriately represent the State of Texas in this great national structure. This gentleman, by his industry and perseverance, supplied the want of a geological knowledge of the country, and within a short space of time procured a block of marble with fineness of texture and beauty of appearance that rendered it an acceptable contribution. He was directed to superintend its transportation in person to Washington City. Its reception has been acknowledged by Eli Whittlesey, Esq., the agent of the board of managers, in a letter complimentary to the State for the beautiful stone which she had transmitted. As directed in the resolution, the coat of arms with an appropriate motto, will be inscribed, and the block will soon occupy an honorable position in the Monument.

Major Smith has executed his mission in a highly satisfactory manner, and I commend his services to the legislature as entitling him to an additional compensation beyond that which the Executive will be enabled to command under the existing appropriation.

The documents relative to the subject, herewith transmitted, are marked C 1 and 2.

Since your adjournment, death has deprived us of our fellow-citizen and friend, Adolphus Sterne, late a member of your honorable body. His long identification with the Republic and State, and his eminent services enable us to form a just estimate of his worth. It is the universal sentiment that you have lost from your councils a good man and a tried patriot—the country, a useful citizen. The enunciation of his name awakens our sympathies in unison with those of his family and friends, and will suggest to your honorable bodies the propriety of manifesting a proper respect for his memory.

Although South Carolina, Kentucky and Massachusetts, claim, respectively, Calhoun, Clay and Webster, the nation



mourns their loss, and each member of our Union desires the privilege of joining in the sorrow. Each claiming during their lives a particular State, so soon as they passed this earthly bourne, from the rich legacy they bequeathed to their country in the noble principles they promulgated, their fame was limited only by the duration of time; while their residence was transferred to another and a better sphere—in eternity.

P. H. BELL.

## DOCUMENTS

### *Accompanying the Governor's Message.*

EXECUTIVE DEPARTMENT,  
State of Texas, Austin, August 2, 1852. }

Col. JAMES S. GILLET,  
Adjutant-General of the State of Texas :

SIR—The very serious and continual interruption of the peace and security of life and property on the lower Rio Grande, by Indians and other marauding parties, renders it imperatively necessary that immediate steps be taken by the State to afford requisite protection to her citizens in that quarter.

With a view, therefore, to accomplish this object, the Department, after much consideration of the subject, has determined to call out three companies of mounted volunteers to act as auxiliaries to the forces of the United States now stationed in that section of the country for its military protection.

You will, therefore, proceed with all possible dispatch to the city of Brownsville, on the Rio Grande, by way of San Antonio and Corpus Christi, and forthwith organize and muster into the service of this State, for the period of six months, unless sooner discharged, three companies of mounted volunteers, fully equipped for active and efficient duties. (See Note.)

As there is every probability that these volunteer companies will be incorporated with the army of the United States now serving in Texas, it is highly important that their organization, as to the rank and number of each grade, should be in strict conformity with the present regulation of the United States Dragoon corps, in order that no difficulties may present themselves when these troops are mustered into the service of the United States.

When you reach San Antonio you will call upon General Persifer F. Smith, commanding the Eighth Military Depart-



ment U. S. A., and announcing to him the nature of your commission, you can hand him this letter of instructions for his perusal, and also that he may obtain a copy of it should he wish it.

At your interview with the General you will explain my particular desire, that the volunteers thus called out should be co-operative with the United States troops in the discharge of their military duties, so as to ensure the efficiency of their service as much as possible, and you can, in connection with this, request that you may be furnished with copies of such existing orders and instructions as the General may deem necessary to that end.

This will be the more requisite in consequence of changes in the disposition of the regular troops that have been doubtless recently made, in fulfilment of the General's prompt and liberal assurances to me, at our late meeting, that he would give directions for the immediate reinforcement of the military establishments in that quarter.

You can also avail yourself of the opportunity to obtain from General Smith any information that may be considered connected with your mission, as I feel assured that the General will take pleasure in rendering you any assistance that may lie in his power. Among other details, the numerical strength of the companies, and the number and grade of the officers, non-commissioned officers, &c., will enable you to properly regulate their organization when you muster them in.

Although these volunteers will be required to fully arm and equip themselves, there will be no impropriety in requesting General Smith to lend you such aid as circumstances will justify in more completely arming them, nor in the request that they may be furnished with subsistence and such other supplies as are indispensably necessary.

Arrived at Brownsville, you will lose no time in organizing and mustering in the three companies, making such a selection of the best men and horses, as circumstances will permit; you will minutely examine the command, and accept only such as appear capable of performing active and energetic service.

As there are no provisions in existence for the payment of these troops by the State, you will be careful to fully explain to each member of the command the nature of the service, and that it will require an enactment of the State Legislature (unless they are eventually mustered into the service of the United States), to enable them to receive their pay. You can also state that should the United States not assume the responsibil-



ity by mustering them in, there is no doubt but that the call will be sustained, and that suitable provision will be made by the next State Legislature, on the presentation of the subject by this department, to meet the contingency.

The companies will take precedence according to the relative rank of their captains; and the senior, or oldest captain, (who will be determined by priority of commission,) will be considered the commanding officer of the whole: the number of the companies not warranting the appointment of a field officer.

The field of operations for this volunteer force will extend from Laredo to Brownsville, or Point Isabel, if necessary; and they will be required to protect not only the extreme points of the line thus designated, but all the intermediate—Belleville, Rio Grande City, &c. This can only be effected by the companies, or portions of them, being so disposed as to form a chain in such a manner that they could be concentrated with facility whenever it became necessary. From this arrangement, judiciously made and supported by continual scouting the whole length of the line, much good may be expected to result, and the object of the call will doubtless be accomplished.

In order to avoid the possibility of conflicting with the regular troops stationed on that portion of our frontier, you will direct the commanding officer to communicate from time to time with the commanding General of this military department, as well as to your office, reporting his movements and operations, offensive and defensive, that the General may thereby be enabled to avail himself of all the information he may thus derive in making such disposition of the regular troops as he deems advisable to act in concert.

As the nature of the duties devolving upon this volunteer force are of a peculiar and delicate character, you will, in your instructions to the officers, through their commander, impress upon them the great importance of the service, and the urgent necessity for the utmost vigilance and activity, combined with sound judgment, in all their movements. The contiguity of a foreign power, the late serious difficulties on the opposite bank of the Rio Grande, the mixture of the two nations in the bands of outlaws that have for some time past infested both sides of that river, and the increasing Indian difficulties, call for all the energy that can be brought to counteract existing evils. Nothing but untiring watchfulness and steady resolution can possibly accomplish the restoration of that peace and confidence in the citizens of that country, and the proper respect for the mutual guarantees to the United States and Mexico by the treaty of Guadalupe Hidalgo, which it is so essential should not only be established, but be permanently protected.



Your stay in Brownsville will enable you to see many of the parties who have petitioned this department for military aid. You can state that the Executive, in view of the pressing emergency, has called out three companies of volunteers for their protection, trusting, that if the General Government does not recognize their services, the next State Legislature will take such steps as will ensure their payment; and he relies with confidence upon the zeal and patriotism of the citizens of the Rio Grande valley and elsewhere for their support of a service that he has thus endeavored to establish for their protection.

It is the wish of the Executive that all the counties embraced in that section of country should be well represented in each of the companies, and, as far as possible, that those individuals who have already formed a voluntary association for the performance of this service should have opportunity of participating in this organization if they so desire.

The individuals selected to raise these companies have been already designated.

As soon after your return to this city as practicable you will submit a written report to this department of the execution of your commission.

I am, sir, very respectfully,

Your obedient servant,

P. H. BELL.

NOTE.—The three companies ordered into service in this communication will be, respectively, organized and mustered in at Brownsville, Laredo, and Rio Grande City, or Belleville.

EXECUTIVE DEPARTMENT,  
Austin, August 2, 1852. }

Col. JAMES S. GILLET,

Adjutant-General of the State of Texas:

SIR—At my late interview with General Smith on the subject of frontier protection, I asked him if volunteers should be called out by the State to aid in that service, whether he would direct them to be furnished with the requisite forage and subsistence, and he expressed himself unwilling to incur the responsibility which he considered he should thereby assume. In the event, therefore, that the General should still decline, you are hereby authorized and required to contract with such persons



as will furnish the necessary supply of subsistence for the men and forage for the horses of the command of the proper quality, and in such quantities as may be stipulated in the contracts, on the most advantageous terms for the State; and as these supplies will constitute one of the items in a future claim of the State against the General Government for a reimbursement of the expenses she thereby incurred, you will give particular directions that the allowances, for both men and horses, of each article issued to them, will be regulated in quantity by the ration of the cavalry service in the United States Army, as the General Government will not recognize nor allow any claim for extra allowance.

You will also give particular instructions to the officers making these contracts, that the quantity of each article supplied by the contractors must not exceed in amount whatever is necessary to furnish the exact number of rations to which the command or any portion of it may be entitled, by a similar allowance to those that govern the issues made to the troops in the service of the United States; and for the same reason you will also charge the officers commanding the companies, or detachments of them, that they issue these supplies to the men and horses under their command on regular returns, in writing, calling for the same, which express the number of rations of each article so called for, and the period of time for which they are required.

The forms of these requisitions, or returns, now in use in the quartermaster and commissary departments of the United States' Army are brief and simple, and will, I have no doubt, answer the purpose. When you are in San Antonio you can easily obtain all the information on this subject that will be of service.

The importance of a strict attention to these directions, not only for the security of the interests of the State, but of that of all the other parties who may be interested are so obvious, that I sincerely trust they will prevent any future difficulties that might otherwise arise in their final settlement.

I am, sir, very respectfully,

Your obedient servant,

P. H. BELL



ADJUTANT GENERAL'S OFFICE, }  
Austin, October 10th, 1852, }

To His Excellency, P. HANSBROUGH BELL,  
Governor of the State of Texas:

SIR—In obedience to your order, bearing date August 2nd, 1852, I proceeded to San Antonio, where Captain Owen Shaw presented himself and desired to be mustered, with the men under his command, at that place. As it would necessarily be some weeks before I could possibly reach Laredo, the point designated in your order for his muster, and deeming it for the general good, both of his command and the country, that he should enter as soon as possible upon the duties assigned him, I complied with his request, and on the 18th of August, 1852, mustered into the service of the State his company, for the period of six months, if not sooner discharged. I am happy to state that citizens of San Antonio met us in a spirit of great kindness, and offered every facility in their power, or that we required to further the object for which the volunteers were called out.

On my arrival in San Antonio, I was informed that General Smith had left for New Orleans; I called on Major Deas, Assistant Adjutant General, 8th Military Department, who informed me that there was no one in command in the absence of General Smith, except for purposes connected with the post. I submitted for his perusal the instructions received from you, and allowed him to take a copy for the use of General Smith on his return.

Major Deas kindly furnished me with the number and disposition of the United States troops west of San Antonio; also with the organization of a company of Rifles in the United States service, the aggregate of which is 79. I have adopted this organization.

From San Antonio, I hastened to Corpus Christi, where I found Captain G. K. Lewis, and informed him of my mission. As he had not received any orders from you, he had taken no steps to raise and organize a company, but went to work energetically to do so. He met with some difficulty, owing to the great scarcity of horses, as the Indians, or other ill disposed persons, had stolen and driven off almost all the horses in the region of Corpus Christi and Brownsville. Notwithstanding these difficulties, on the 14th of September, 1852, I mustered Captain Lewis into service at Brownsville. His company was not full, but I gave him an order to recruit until his organiza-



tion would be complete; and I have the pleasure of informing you that before I left Brownsville his company was nearly filled.

At Brownsville, I contracted on part of the State, with Mr. C. B. Barton for supplies of subsistence and forage for the companies commanded by Captains Lewis and Davis, a triplicate copy of which I herewith send you, marked "A."

From Brownsville I went to Rio Grande City, where I found Captain Davis awaiting me, ready for muster, which I did on the 21st day of September, 1852. Mr. Barton, contractor, with commendable promptitude, was on the ground, and ready to furnish supplies. On the day of muster, Messrs. Davis and Durst had furnished supplies for the volunteers as they arrived, up to the day of muster; accounts for which I approved.

From Rio Grande City, I proceeded to Laredo, where I was very glad to find that the Hon. H. P. Bee had furnished Captain Shaw's company, in compliance with a request which I had made him by letter, from San Antonio, with subsistence and forage, up to the date of my arrival, when I contracted with him for the permanent subsistence of the company, including the time which had elapsed. A copy of which contract I herewith submit, marked "B."

Having thus concluded my mission to the best of my abilities, I returned home, and submit to your Excellency this report of my action; but, in conclusion, I must be permitted to add, that I should do great violation to my feelings, were I to omit to speak of the very great kindness of the citizens generally, in every section of the country through which I have passed; and I am sure it will be a source of gratification to your Excellency, to know that the call made by you for the volunteers now in the field, was most cordially sustained by the citizens generally, with scarcely an exception.

In regard to the companies, I am proud to state, that they consist mainly of the right kind of material; well mounted for the particular service, and in the best manner; and I think that I hazard nothing in predicting that the most sanguine expectations of your Excellency, and the citizens whom they were called out to protect, will be most fully realized.

With sentiments of high regard,

I have the honor to be,

your most humble servant,

JAMES S. GILLET,

Adjutant General.



THE STATE OF TEXAS, }  
 County of Cameron. }

Know all men by these presents, that I, James S. Gillett, Adjutant General of the State of Texas, of the first part, and Elder B. Barton, as principal, and Chas. Stillman, as his security, of the second part, have this day bargained and agreed, and by these presents bargain and agree to the following contract, viz :

The said Elder B. Barton, of the second part agrees, and by these presents binds himself and said security, Chas. Stillman, to furnish, or cause to be furnished to the company of rangers stationed, or to be stationed in the vicinity of Brownsville, commanded by Capt. G. K. Lewis, in the service of the State of Texas, with rations for the men, and forage for their horses at such times and in such quantities as may be required by the Acting Commissary and Quarter Master of said company for the period of six months, should the company remain so long in the service of the State, at the following rates : sixty-three cents per ration of subsistence and forage ; each ration of subsistence and forage to consist of the articles as follows, and in such quantities as are allowed by the regulations of the United States army, viz : Pork, flour, beans, coffee, sugar, vinegar, candles, soap and salt, as subsistence for the men ; and corn, oats, or barley for their horses ; all of the best quality, and to be delivered in good order. And the said Barton further agrees with Gillett, Adjutant General as aforesaid, to furnish, or cause to be furnished to the company of rangers stationed, or to be stationed at, or near Rio Grande City, commanded by Capt. H. Clay Davis, with the like quantity of subsistence for the men comprised in said company, and forage for their horses as above agreed upon, for the price of sixty-five cents per ration of subsistence and forage ; all to be delivered at, or at any point within twenty miles of each place respectively, viz : Brownsville and Rio Grande City. For which the said James S. Gillett, Adjutant General as aforesaid, acting for, and on the part of the State of Texas, and under special instructions from P. Hansbrough Bell, Governor of the State of Texas, agrees that the respective amounts of sixty-three cents for each ration of subsistence and forage furnished to the company commanded by Capt. G. K. Lewis, and the sum of sixty-five cents for each ration of subsistence and forage furnished the company commanded by Capt. H. Clay Davis, by said Barton, shall be well and truly paid by said State of Texas, upon pre-



sentation of the proper vouchers of the same by said Barton to the proper authorities of the State.

And the said Gillett, Adjutant General as aforesaid, further agrees with the said Barton, that should it be necessary to have a portion of the rations of subsistence and forage transported to a greater distance than twenty miles from the places above named, to wit: Brownsville and Rio Grande City, a reasonable compensation shall be made to said Barton by the State, for such increase of transportation.

In testimony whereof, we have hereunto set our hands and affixed our seals this ninth day of September, A. D. 1852.

JAMES S. GILLETT, L. S.  
Adjutant-General.

E. B. BARTON. L. S.  
CHAS. STILLMAN. L. S.

THE STATE OF TEXAS, }  
County of Webb. }

Know all men by these presents, that I, James S. Gillett, Adjutant General of the State of Texas, of the first part, and H. P. Bee & Co., of Laredo, county and State aforesaid, of the second part, have this day bargained and agreed, and by these presents do bargain and agree to the following contract, viz:

The said H. P. Bee & Co., of the second part, bind themselves to furnish, or cause to be furnished to the company of rangers commanded by Capt. Owen Shaw in the service of the State, and stationed in the vicinity of Laredo, with rations for the men and forage for their horses, at such times and in such quantities as may be required by the Acting Commissary and Quarter Master of said company, for the period of six months, beginning on the twenty-seventh day of August, A. D. 1852, should the company remain so long in the service of the State, at the following rates, to-wit: Thirty cents per ration of subsistence, and forty-six cents per ration of forage; rations of subsistence to consist of the kind in quantity and quality allowed by the regulations of the army of the United States; forage to consist of twelve pounds of corn, oats, or barley to the ration, all to be of the best quality and delivered to the Acting Quartermaster and Commissary of Subsistence of Capt. Shaw's company of rangers, in good order, in Laredo.

And the said Bee & Co., of the second part, further agree to



furnish such transportation as may be required of them, from time to time, for the removal of stores belonging to said company at rates customary for such services in Laredo; and likewise, to furnish such Quartermaster and ordnance stores and camp and garrison equipage, as may be required by the Acting Quartermaster of said company, at a liberal compensation; taking the requisite vouchers from the Acting Quartermaster of the company for such services rendered or articles purchased.

For which the said James S. Gillett, Adjutant General as aforesaid, acting for and on the part of the State, and under special instructions from P. Hansbrough Bell, Governor of the State of Texas, agrees that the respective amounts of thirty cents per ration of subsistence, and forty-six cents per ration of forage, furnished the company commanded by Capt. Owen Shaw, by said H. P. Bee & Co., shall be well and truly paid by said State of Texas, upon presentation of the proper vouchers of the same by said Bee & Co., to the proper authorities of the State.

In testimony whereof, we have hereunto set our hands and affixed our seals this twenty-seventh day of September, A. D. 1852.

JAMES S. GILLETT, L. S.

Adjutant-General.

H. P. BEE & Co. L. S.

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EXECUTIVE DEPARTMENT, State of Texas, }  
Austin, August 20th, 1852. }

To His Excellency, MILLARD FILLMORE,

President of the United States, Washington City, D. C.:

SIR—Such repeated representations have been made to this Department by all the influential and most respectable residents of the Rio Grande valley, of their desperate situation and the insecurity of life and property in that section of the State, occasioned by the total inadequacy of the present military establishment in Texas to check the murders and depredations of lawless bands of Indians and Mexicans, that my constant and anxious attention has been for some time past directed to the subject, with the view, if possible, to put a final stop to these outrages, and restore tranquility and confidence to a region that is rapidly depopulating and on the verge of ruin.

Among other steps that I deem materially important to the accomplishment of so desirable an end, I have the honor to address your Excellency, and enclose herewith certified copies of



such late communications, petitions and affidavits connected with the subject as have reached this Department. To these documents, I would respectfully and earnestly draw your Excellency's particular attention, as ample evidence of the facts therein set forth, and the urgency of that assistance and succor that their present distressed situation so imperiously demands.

Your Excellency will perceive by the perusal of these papers, that the most lamentable distress, anarchy and confusion must inevitably result from the state of affairs therein represented, leading ultimately to the total disorganization and destruction of the whole line of the Rio Grande unless prompt and energetic measures be taken to prevent the continuance of the evil. The civil authorities are perfectly paralysed, and the military stationed on the lower Rio Grande, have declared themselves unable to render the requested assistance to support the execution of the laws; while on the upper Rio Grande, the almost entire withdrawal of the troops from the county of El Paso, leaves the prospect for that portion even still more desperate and deplorable.

Independent of every other serious consideration, the importance of preserving inviolate existing treaties with the neighboring Republic of Mexico, whose limits run along the western bank of the Rio Grande in close proximity to the western line of this State from its northern to its southern extremities, and the impracticability of doing so under the existing state of things on that frontier, must forcibly impress your Excellency with the urgent necessity for additional military force upon that line to sustain the authorities and suppress infraction.

After much consideration of the matter, I have felt it my duty to take immediate steps for the relief of the lower Rio Grande, and with that view have called into the service of the State three companies of mounted volunteers, (numbering in all about 200 rank and file), who are to act in concert with the United States troops stationed in that quarter. The Adjutant General of the State has been directed to proceed to that point, and is now in the discharge of the duties thus assigned him; a copy of his instructions accompany this communication.

I therefore trust that the General Government, in consideration of the pressing emergency and the serious responsibility incurred by a longer delay, will recognise the services of these volunteer troops, and make such further and more permanent disposition, as upon examination shall be found necessary to restore that peace and security to which this unfortunate country has been so long a stranger.



With assurances of the highest consideration, I have the honor to remain your Excellency's ob't serv't,

P. H. BELL.

WAR DEPARTMENT,  
Washington, Sept. 30, 1852. }

SIR.—The President has referred to this Department your Excellency's letter of the 20th ultimo, with the documents therein enclosed. Your Excellency says that repeated representations have been made to this (your) Department by all the most influential and respectable residents of the Rio Grande Valley, of their desperate situation, and the insecurity of life and property in that section of the State, occasioned by the total inadequacy of the present military establishment in Texas, to check the murders and depredations of lawless bands of Indians and Mexicans; and that in consequence of their representations you had felt it your duty to take immediate steps for the relief of the lower Rio Grande, and with that view had called into the service of the State three companies of mounted volunteers, (numbering in all, about 200 men, rank and file,) for the period of six months, who are to act in concert with the United States troops stationed in that quarter. Your Excellency concludes by requesting that "the General Government will recognize the services of these volunteer troops and make such further and more permanent disposition as upon examination shall be found necessary to restore that peace and security to which that (this) unfortunate country has so long been a stranger." You enclose various communications made to you by citizens of Texas on this subject.

Your Excellency is probably aware that the Executive has repeatedly informed Congress that the military establishment of the country was inadequate to the protection of its widely extended frontier, and recommended that it be authorized to raise additional force for that purpose. Congress has seen fit to disregard these recommendations at a time when the necessity for their adoption was more apparent than it is at present. Before the last adjournment of Congress, it was well known that there was reason to apprehend an extensive outbreak of the Indians on the frontier of Texas, and the very facts communicated in your Excellency's letter, must have been known to the Senators and Representatives of your State in Congress. Nevertheless that body adjourned without taking any steps on this subject.



Within a few weeks past, the Department has been informed by the reports of its officers, not only that the rumours that the Indians were preparing extensive hostilities, were unfounded, but that in fact (with a few partial exceptions) they have not been for a long time as peaceably disposed. All accounts concur in representing the Comanches as unusually quiet, and by advices received from Col. Summer, it appears that treaties of peace have been concluded with the Navijoes and Apaches, (the two most powerful nations on the confines of New Mexico and Texas;) that there are now treaties of peace with all the Indians in New Mexico, and that with the exception of some of the roving bands of the plains, the Indians in that section of the country have ceased to be troublesome.

Under these circumstances, even if there were a manifest necessity for an additional increase of the military establishment, the executive would hesitate to call into the service of the government a description of force, which, while it is far less efficient than that which Congress has refused to authorize, is more expensive. But the President is not satisfied that the facts contained in the papers transmitted by your Excellency would warrant him in taking this step. The only law under which the President could exercise the power referred to, is the act of February 28, 1795, entitled an "act to provide for calling forth the militia to execute the laws of the Union, suppress insurrections and repel invasions, and to repeal the act now in force for those purposes." It is doubted whether that act applies to the present case. It appears from these papers that the neighborhood of El Paso and Brownsville, has for several months past been infested by lawless persons who traverse the country singly or in small parties, driving off cattle and occasionally committing murders. That the perpetrators of these acts are principally Indians, Mexicans and half breeds. But that lawless and reckless persons professing to be citizens of Texas also participate in them. That in consequence of the alarm occasioned by these disorders, some of the inhabitants have been compelled to abandon their homes. That the civil authorities were powerless to put a stop to these outrages, the officers of justice not being able to collect a sufficient civil force to execute process, &c.

There is reason to suspect that these statements are somewhat exaggerated. Besides the natural tendency of persons while under the influence of fear to magnify the danger that occasions it, some of the signers of these papers have a strong motive to do so. It is well known to this Department that the inhabi-



tants in the neighborhood of military posts, have other reasons for wishing them to be kept up, besides the protection they afford. The Department therefore is frequently urged to establish posts where there is no real necessity for them; and whenever troops are ordered away from one, alarming accounts of Indian hostilities are invariably set afloat. In addition to this, many young men are always found who are anxious to enrol themselves as volunteers, and there is no part of the frontier from Oregon and California to Florida, where similar applications have not been made, but in every instance they have been rejected. To what extent these remarks apply to the accounts contained in the papers transmitted by your Excellency, I am unable to say. I will merely remark, that the commander of that Department positively pronounces several of the statements contained in them entirely unfounded, and does not recommend that these volunteers be received into the service of the United States.

Supposing, however, these accounts to be strictly correct, the outrages and disorders complained of (except when committed by Indians) are hardly such as this government ought to be called upon to express. The perpetrators of these acts, whether Americans or Mexicans, are not *public enemies* to be encountered by the army of the United States, but *private malefactors*, to be arrested and punished by the civil authorities of Texas. If the means which these authorities have at their disposal are not sufficient to enable them to do this, and the government of Texas finds it necessary to call out her own militia to execute her own laws and to defend her own citizens against robbers and murderers, surely it ought not to expect the United States to pay the expenses of the proceeding.

It must be borne in mind, too, that the disorders complained of have been brought about in part by citizens of Texas themselves. It is well known that many of the inhabitants of that State were directly or indirectly concerned in the criminal enterprises of Caravajal, in violation of the laws of their own country, and no doubt in opposition to the wishes of the peaceable and law abiding portion of the inhabitants of Texas.

It was to be expected that the inhabitants of Mexico would seek in some way or other to retaliate upon them; and the Indians in the neighborhood have availed themselves of this opportunity to renew their predatory incursions into the country. The number of these, however, judging from official reports to this Department, is much exaggerated in these papers. In addition to these, mercenary vagabonds and out-



laws within our limits, who had flocked to the standard of Caravajal, finding themselves disappointed in their hopes of plunder in the Mexican territory, naturally seek to indemnify themselves in our own.

The President directs me to assure your Excellency that he sympathizes deeply with the sufferings of the good people of Texas, who are thus made to suffer for acts in which they did not participate, and that he will do all that he can with propriety do, to arrest them. The officers in command of that Department reports that in view of the troubles on that frontier, he had already ordered to that quarter five companies of mounted riflemen. Orders have also been given to fill up all the companies stationed there with their complement of men.

One of the papers transmitted by your Excellency, mentions that the officer at a military post had been unable to render any assistance in punishing the authors of these atrocities, because his men were unprovided with horses. That is very possible. Congress, in spite of the earnest and repeated remonstrances of the Department, having failed until within a few weeks past to appropriate money for the purchase of horses, the Department found itself unable to supply them. Since the Department has been provided with funds for the purpose, measures have been taken to supply the requisite number of horses.

From reports received from Col. Summer, it is rendered highly probable that the portion of the forces under his command that had for a temporary purpose been ordered from the Texas frontiers to Santa Fe, have before this resumed their former station.

Representations have also been made to the Mexican Government in regard to the alledged participation of officers and citizens of that country in the outrages complained of. It is hoped that these measures, together with the exercise of a proper degree of vigilance and energy on the part of the citizens and government of Texas, will suffice to restore tranquility and peace to that region of country.

I have the honor to be, very respectfully, your obedient servant,

C. M. CONRAD,

Secretary of War.

His Excellency, P. H. Bell, Governor of Texas.



CAMP BEE,  
15 miles above Laredo, Sept. 22, 1852. }

To His Excellency, P. H. BELL,  
Governor of the State of Texas:

I have the honor to report that at daylight on the morning of the 15th inst., I received an express from the Hon. H. P. Bee, informing me that a party of Indians had crossed over from Mexico about 20 miles below Laredo, and had sacked the various ranches below, even as far as Roma. Several days having elapsed since the occurrence, I deemed it proper to strike for the upper Nueces, where I expected either to await their return; or, should they have passed up, to follow their trail.

On the 16th I struck a trail at the head of the Raices, leading up the country, upon which I encamped for the night, being satisfied from appearances of the trail, as well as their frequent halts to cook their horse-meat, that the Indians believed themselves out of danger, and were travelling without any precautions. The sequel proved that I was right in my calculations, as I overtook them about 8 o'clock, A. M., of the 17th, encamped on the San Roque, about 30 miles W. N. W. of Fort Ewell, on the Nueces.

The action was commenced by the Indians themselves, by coming out of an arroyo in which they were encamped, forming in front of it, and opening a heavy fire with muskets, rifles, arrows and one six-shooter, upon my command, and throwing out a red blanket challenging me to attack them. I immediately formed in front of them at about 75 paces distance, with A. Gatliff and J. D. Scott a little in front and on my extreme right, and ordered my long rifles to open a fire, slow and sure. A. Gatliff, one of my trailers and guide, commenced the action by killing the chief. No man moved or fired without an order from me; but as the Indians had decidedly the advantage of position, being covered by the arroyo, I ordered J. D. Scott, also one of my trailers, with a party of men, to cut off the cabalado of the Indians, and A. Gatliff, with another party, to get to the rear of the enemy so as to cut off his final retreat, while I, with 15 of my men on foot, leaving J. Bott with a small detachment to guard the horses, charged the arroyo about 100 paces below the encampment.

My infantry gallantly charged the enemy, and a severe conflict ensued; the Indians were finally forced out of the arroyo, when they were met by the mounted men who continued a



a ranging fire upon them, and remounting my infantry, I followed them until I was stopped by a heavy shower of rain, which poured in such torrents as to render it impossible to distinguish any thing a-head.

The Indians numbered nineteen men and two women; of this number but one certainly escaped. Nine men killed on the ground; the remainder desperately wounded. Twenty-three horses and mules, with saddles, Mexican blankets, arms, &c., were amongst the articles captured. The rout of the enemy was complete and disastrous: one horse wounded, was the only damage to my command.

I cannot speak in too high terms of the gallantry of my command; the most of them young and without experience, they proved themselves worthy of their country and the service in which they were engaged.

A. Gatliff and J. D. Scott acted as my spies and guides, and I beg to present them to your Excellency as gallant soldiers and entirely worthy of your consideration. To the young men who commanded my detached parties, all praise is due for their firmness and decision. Sergeant E. F. Calhoun was by my side while acting as infantry, and I bear cheerful testimony to his gallantry. Hermann Raven, McAnderson and George W. Logan, of Austin, are reported to me in the highest terms.

As this is the first foray of the Indians since I have been on this frontier, it may be presumed that I should have prevented the crossing of the Indians below this place, or should have been so soon on their trail as to have averted the lamented results which followed their incursion. A word therefore to your Excellency upon the point may be necessary.

Upon my arrival upon this frontier, I found the Rifle Companies already in the field, with baggage waggons and ambulances, and in full possession of all the various water holes below the San Antonio road. I therefore did not deem it necessary to pass below or south of that road, except upon a fresh trail, and left them to guard the lower while I took charge of the upper portion of the country. Therefore, as soon as I heard of the entrance of the Indians I preferred to take a position which would render my services efficient, should the Indians succeed in passing through the cordon of posts established by the regulars; the result proved that my position was fortunate.

The authenticated report from below states that two Mexicans and one American have been killed, and over 100 horses driven off; and although the party I met were doubtless of the number who committed the depredations, yet the larger portion



with the stolen horses must have taken another route. A number of letters were found in the camp of the Indians on the San Roque, written from Guerrero to the lower Rio Grande.

\* \* \* \* \*

I have the honor to remain

Your Excellency's most obedient servant,

OWEN SHAW,

Capt. Commanding Company Texas Rangers.

ADJUTANT GENERAL'S OFFICE, }

Austin, December 13, 1852. }

To his Excellency, P. HANSBROUGH BELL,

Gov. of the State of Texas:

SIR—In obedience to your request of the 4th instant, I herewith have the honor to transmit to you, an estimate of the amount of funds required for the pay, mileage, subsistence, forage and incidental expenses of the three companies of mounted rangers now in the service of the State, and commanded respectively by Captains G. K. Lewis, H. Clay Davis and Owen Shaw, viz:

*Estimated Amounts.*

Pay department, . . . . .	\$46,561 08
Subsistence and forage, . . . . .	28,372 32
Quarter-masters property, etc., . . . . .	4,500 00
Surgeons, . . . . .	1,800 00
Total amount,	\$81,233 40

In making the above estimates, I was governed in the first, (the Pay Department,) by the amounts of pay and allowances heretofore made by the United States Government to troops of the same character, and engaged in the same kind of service in Texas. In calculating the mileage and traveling allowance, I found it impossible to make, in detail, the respective amounts due each company; from the fact that I could not know the amount of mileage allowed each individual with the return of their discharge roll, but I have adopted an average for the whole, which I believe, from the best information in my possession, will not be far from correct.

The estimated amount for subsistence and forage being based upon contract, cannot materially differ from the estimate.

The amount estimated for Quarter-master property, Ordi-



Company Organization.

1 1 1 4 4 2 2 64 76 79

Captain.  
1st Lieutenant.  
2d Lieutenants.  
1st Sergeant.  
Sergeants.  
Corporals.  
Buglers. [smiths.  
Farriers & Black-  
Privates.

S U

*THE following table shows the amount of funds required to pay*

COMPANIES COMMANDED BY.	NO. OF NON COM- MISSIONED, MUSICIANS, AND PRIVATES, IN EACH COMPANY.	NUMBER O MONTHS.
Capt. Owen Shaw.	76	6
Capt. G. K. Lewis.	76	6
Capt. H. Clay Davis.	76	6

Probable amount of funds required to meet the expenses incurred, nec  
Garrison equipage and Medicines : For each Company, fifteen h

Amount of funds required to pay three Surgeons, (one for each Compa

Amounts b



nance stores, Camp and Garrison equipage and Medicines, is principally guess work; as those purchases have been made entirely by the Captains, or their direction, no return of which has, as yet, been made to this Department; but it is hoped that the amount estimated, will be found adequate to the discharge of the liabilities incurred.

The estimate for Surgeons, is the price usually paid; and if each Company has been supplied with a Surgeon, the amount will no doubt be correct; but may be varied according to the number of months' actual service performed in each Company.

All of which I have the honor to submit for your Excellency's consideration.

With sentiments of profound respect,

I am your obt. servt.,

JAMES S. GILLET, <sup>jr</sup>

Adjutant General.

### REPORT OF STATE TREASURER.

TREASURER'S OFFICE, }

Austin, December 6, 1852. }

To His Excellency, P. H. BELL,

Governor of the State of Texas:

SIR: I have the honor herewith to submit to your Excellency the accompanying statements marked "A," "B" and "C," exhibiting the condition and situation of the Treasury, and the balance of the money remaining therein to the credit of the State, and special deposits on the 31st of October, A. D. 1852, with a summary of the receipts and payments of the Treasury during the fiscal year ending that date.

Statement "A," exhibits the transactions of the office on general or State accounts.

Statement "B," is an exhibit of the transactions on account of special deposits.

Statement "C," shows the amount appropriated for each class and description of the Public Debt of the late Republic



of Texas—the amounts paid, and the balance of the appropriations remaining in the Treasury.

By virtue of the authority of acts passed upon the subject, the Treasurer on the 16th day of February last, commenced the payment of that portion of the Public Debt, for which appropriations had been made. At that time the condition of the Treasury was thus—

In United States 5 per cent. Bonds, . . . . . \$5,000,000 00  
In specie, received for interest on U. S. Bonds, . . . . . 250,000 00

By the act making appropriations for the support of the Government for the years 1852 and '53, the interest received upon United States Bonds was assigned to meet those appropriations. A sufficient amount of the Bonds, or the proceeds thereof were appropriated to pay the Public Debt. The Treasurer commenced the payment of the debt by issuing the specie in the Treasury; less a sufficient amount to meet the current expenses of the government, trusting that the demand upon the Treasury on account of the Public Debt, would not be so great as to exhaust the Treasury before a sale of the United States Bonds could be made by the Comptroller, under authority of the act of the Legislature providing for the sale of one million, approved February 16th, 1852; in this, however, he was disappointed, as so great was the demand upon the Treasury for redemption of debt, that the specie was exhausted in ten days' time; while the bids for the bonds were not to be opened by the Comptroller until the 4th day of May. It therefore became necessary, either to suspend the payment of the debt for over two months or issue the bonds. Upon consultation with your Excellency and the Comptroller, it was deemed advisable to pay out the bonds, at a premium of three per cent. on the same, to such as desired them in preference to waiting until the Treasury could be supplied with specie. It was considered that it would be injurious to the interest of the State, in the future sale of the bonds to pay them from the Treasury at their face, when it was evident, they were sought with avidity by capitalists at a premium above the rate established.

The first bonds were issued on the 26th of February last, when a book was opened showing the number of the bonds—the amount of interest due and charged to date—the amount of premium charged, and the receipt of the person to whom the bond was issued.

To the 4th of May last, when the payment of bonds was suspended, the Treasurer had paid out the number of five hundred and seventy-two, amounting in principal to five hundred and



seventy-two thousand dollars, (\$572,000 00), and collected in interest due upon the same, the sum of seven thousand two hundred and eighty dollars and thirty cents, (\$7,280 30), which amount he deposited in the Treasury, to the credit of the State.

The premium charged and collected upon said bonds, amount to seventeen thousand one hundred and sixty dollars, (\$17,160.) From this amount, all the expenses, such as advertising, traveling expenses of the Comptroller to New York and Washington city and back; insurance and transportation of specie, etc., etc., incident to the sale of United States Bonds, under act of February 16th, 1852, were paid, amounting as per statement "D," herewith submitted, to the sum of eleven thousand one hundred and sixty-six dollars and sixteen cents, (\$11,166 16.)

The balance of five thousand nine hundred and ninety-three dollars and eighty-four cents, (\$5,993 84) was deposited in the Treasury to the credit of the State. As the Legislature had neglected to make appropriation for the expenses attending the sale of the bonds, it was deemed proper to pay the same out of the premium which had been collected in this office, (without the direct authority of law) upon the bonds disbursed therefrom, and leave it for the Legislature to sanction the course pursued, if judged correct, and express by law in what manner the account of the Treasurer relative to the same shall be settled.

In the payment of the bonds at the arbitrary premium of three per cent., it was optional with claimants to take them, or wait a short time for the specie, and while in most cases they were taken, it is believed that few or none suffered loss therefrom. On the contrary, many gained, as the actual value of the bonds in market was above the rate charged by the office; as evidenced by the price the bonds brought, upon the bids opened on the 4th of May last.

The determination to charge a premium upon the bonds paid out, placed the Treasurer in an embarrassing and displeasing situation, from the fact that when complaints were made, which was sometimes the case, he could not plead authority of law for his course; while at the same time, he felt conscious that he was acting for the best interest of the State, and believed that his conduct would be approved by the proper authorities of the same. Beyond the amount of seventeen thousand one hundred and sixty dollars, (\$17,160 00) by which the State was directly benefited, it is believed that the plan adopted and pursued had a beneficial effect, upon the sale of bonds, in an increase of pre-



mium, above what would otherwise have been the case had the Treasurer paid out the bonds at par.

In order to show that the premium established could not be considered as injurious to claimants upon the Treasury, or as depriving them of any just right or demand, the Treasurer will state, that so soon as it was determined to suspend the issue of the bonds, and return to specie payment, many complaints were made, claimants considering it an actual hardship to have no choice, but to take the specie. Offers were made by persons having demands upon the Treasury, of as high a rate as four per cent. for the bonds, which offers were of course refused, as the Treasury was then supplied with specie sufficient to meet all demands, and it being for the benefit of the State, that as large an amount of the bonds as possible should be held in the Treasury on account of the value of the accruing interest.

As will be seen by statement "A," the sum of three million six hundred and twenty-eight thousand dollars. (\$3,628,000 00) in United States bonds still remain in the Treasury; of this sum, three million five hundred and seventy five thousand dollars, (\$3,575,000 00) belongs to the fund for disbursement; the balance, fifty-three thousand dollars, (\$53,000 00) belongs to the general school fund. The interest due upon these bonds on the first of July last, amounting in the aggregate to ninety thousand seven hundred dollars, (\$90,700 00) has nearly all been collected by the Treasurer, and as soon as the whole amount is collected, will be deposited in the Treasury to the credit of the State as follows, viz:

To general account for disbursement,.....	\$89,375 00
To general school fund account,.....	1,325 00
	<hr/>
	\$90,700 00

By virtue of act of December 2d, 1850, the State issued to the general school fund its bonds for thirty-six thousand dollars, (\$36,000.) bearing five per cent. interest, to supply the place of that amount of specie belonging to said fund, which was used for the immediate and pressing wants of the Treasury. By the 2d section of the act making appropriations for the support of the government for the years 1852 and 1853, approved February 16th, 1852, the Treasurer was authorized and did transfer the like sum of United States five per cent. bonds to take the place of the said State bonds; the general school fund to be the beneficiary of the interest accruing upon the United States bonds from the first of January, 1852. There is therefore, due the



general school fund, the sum of one thousand nine hundred and fifty dollars, (\$1,950 00) for interest accrued upon the State bonds from the date of their issue, December 2d, 1850, to January 1st, 1852, when the said fund commenced receiving the interest upon the United States bonds. This amount would properly be provided for by an appropriation for that specific purpose.

I have the honor to be, very respectfully,

Your Excellency's obedient servant,

JAS. H. RAYMOND, Treasurer.



## STATEMENT "A."

*State of Texas in account current with James H. Raymond,  
Treasurer, for the fiscal year ending October 31st, 1852.*

DR.

To amount of cash disbursed upon appropriations as per register of Treasury Warrants paid, viz:

In specie of revenue of late Republic, 3,564 71

In specie of revenue of State, 151,155 16

" " " Interest received on  
United States Bonds, 65,972 74

In specie of General School Fund,  
transferred, 17,000 00

237,692 61

To amount of specie of "revenue of  
State," transferred to account of  
"County Taxes," having been de-  
posited in error to account of "re-  
venue of State," per deposit war-  
rant No. 1048,

35 79

To amount of "Five per cent. State  
Bonds," transferred to credit of  
"Cash" account, and delivered to  
Comptroller as vouchers for set-  
tlement,

36,000 00

N. B.—The amount of \$53,000 00  
United States 5 per cent. Bonds  
were transferred to account of  
"General School Fund," to re-  
place the above amount of \$36,-  
000 00 "State Bonds" delivered  
to Comptroller, and \$17,000 "spe-  
cie," disbursed of "Gen'l School  
Fund," in accordance with the 3rd  
section of an "act making appro-  
priations for the support of the  
Government for the years 1852  
and 1853."

To amount of Government liabili-  
ties received in collection of Rev-  
enue of late Republic, and deliv-  
ered to the Comptroller as vouch-  
ers for settlement, viz:



In Promissory Notes, Bonds, and Interest Coupons,	26,945 23
In Audited paper,	340 00
“ Exchequer Bills,	675 00
“ Certificates of Public Debt of the late Republic,	6,811 67
	<hr/> 34,771 90

To amount of United States 5 per cent. Bonds delivered to the Comptroller, and sold by him, and specie received in lieu thereof, by virtue of an act of the Legislature of February 20th, 1852, 800,000 00

To amount of Cash disbursed in payment of the debt of the late Republic of Texas, viz:	
In United States 5 per cent. Bonds,	572,000 00
“ Specie—proceeds of sale of United States Bonds,	382,117 27
In specie—interest received on United States Bonds,	43,566 85
	<hr/> 997,684 12

N. B.—Liabilities paid are as follows, viz:

“Second Class Debt,”	608,887 42
“Third Class Debt,”	25,441 57
“Audited Paper”—1st Class Debt,	47,827 75
“Miscellaneous liabilities”—1st Class Debt,	16,239 87
Audited by special acts of the Legislature,	26,703 75
“Eight per cent Funded Debt, 5th February 1840”—principal,	930 00
“Ten per cent. Funded Debt, 5th Feb’y 1840”—principal,	132,525 00
“Interest on various liabilities,”—viz:	
On eight per ct. Funded debt,	712 50
On 10 per ct.	



funded debt, 133,236 61	
On miscella- neous liabili- ties,	5,179 65
	<hr/> 139,128 76
Dollars,	<hr/> 997,684 12

To amount of balance of  
Cash on hand October  
31st, 1852, viz:

In United States 5 pr cent Bonds,	3,575,000 00	
In specie—interest receiv- ed on United States Bonds,	164,550 51	
In specie—premium re- ceived on United States Bonds,	42,243 84	
In specie—proceeds of sale of United States Bonds,	417,882 73	
	<hr/> 4,199,677 08	
In United States 5 per cent Bonds—Gener- al School Fund,	53,000 00	
In specie of General School Fund,	8,974 12	
	<hr/> 61,974 12	
	<hr/> 4,261,651 20	
Dollars, . . . . .		<hr/> 6,367,835 62

*State of Texas in account current with James H. Raymond,  
Treasurer, for the Fiscal year ending October 31st, 1852.*

CR.

By balance of cash on hand October 31st, 1851, viz:

In specie of Revenue of State,	25,890 68	
In specie of General School Fund,	12,051 88	
	<hr/> 37,942 56	



In State Bonds—5 per  
cent of gen'l. school  
Fund,

36,000 00

73,942 56

By amount of specie  
and Government li-  
abilities received in  
collection of Reve-  
nue of late Repub-  
lic, viz:

In specie on account  
of Customs,

86 81

In specie on account of  
Taxes,

2,463 68

In specie on account of  
Licenses,

292 02

In specie on account of  
Fines,

14 70

In specie on account of  
Government Dues,

437 50

In specie on account of  
sale of President's  
House—Houston,

270 00

3,564 71

In Promissory Notes,  
etc., on ac't of Cus-  
toms,

17,791 10

In Promissory Notes,  
etc., on account of  
Patent Fees,

4,223 00

In Promissory Notes,  
etc., on account of  
Government Dues,

2,987 13

In Promissory Notes,  
etc., on account of  
Licenses,

1,791 00

In Promissory Notes,  
etc., on ac't of sale  
of Austin lots,

153 00

26,945 23

In Audited Paper on account of  
Government Dues,

340 00

In Exchequer Bills on account of  
Customs,

675 00



In Public Debt Certificates on account of Customs,	6,811 67	
	<hr/>	38,336 61
By amount of specie received in collection of Revenue of State, viz:		
On account of Licenses, Taxes and interest on Taxes,	119,724 55	
On account of Patent Fees,	1,994 20	
On account of Government Dues on Land,	1,262 97	
On account of Fees of Office,	1,455 60	
On ac't. of rent of Public buildings	137 27	
On account of sale of Austin lots,	4,516 05	
On account of sale of Custom Houses,	2,012 75	
On account of Fines,	25,00	
On account of refunding by the United States for advances made to Captains Johnson's & Blackwell's companies,	8,094 12	
	<hr/>	139,222 51
By amount of United States 5 per cent. Bonds received as indemnity from the United States, under act of Congress, approved September 9th, 1850,		5,000,000 00
By amount of specie collected and received on account of interest due upon United States 5 per cent Bonds aforesaid,		274,090 10
By amount of specie received in exchange for \$800,000 00 United States 5 per cent Bonds sold by virtue of an act of the Legislature, approved February 20th, 1852,		800,000 00
By amount of specie received on account of Premium upon \$800,000 00, United States 5 per cent. Bonds, sold as aforesaid,	36,250 00	
By amount of specie received as Premi-		



um upon 572 United States 5 per centum Bonds, for \$1000 00 each, disbursed from the Treasury in payment of the Public Debt of the late Republic of Texas	17,160 00	
Less, bill of expenses (paid by the Treasurer) attending the sale of \$800,000 00 United States Bonds,	11,166 16	
	<u>5,993 84</u>	
		42,243 84
Dollars, . . . . .		<u>6,367,835 62</u>

TREASURER'S OFFICE, }  
 Austin, November 1st, 1852. }  
 JAMES H. RAYMOND, Treasurer.

### STATEMENT "B."

*State of Texas in account current with James H. Raymond, on account of Special Deposites for the fiscal year ending October 31, 1852.*

DR.

To amount of Specie disbursed upon Treasury Warrants drawn upon account of Special Deposites, viz:		
On account of County Taxes,	\$6,335 08	
"    "    Assessors' Fees,	569 17	
	<u>        </u>	\$6,904 25
Balance of Cash on hand October 31, 1852:		
In Specie of County Taxes,	\$6,794 19	
"    Assessors' Fees,	607 36	
"    Settlement of Successions,	2,267 38	
	<u>        </u>	\$9,668 93



In Exchequer Bills of County Taxes,	273 10	
In Promissory Notes, Settlement of Successions,	1,025 21	\$10,967 24
		<hr/>
		\$17,871 49

## CR.

By balance of Cash on hand, October 31, 1851, viz :		
In Specie of Co. Taxes,	\$7,379 43	
“ Settlement of Successions,	1,410 47	
In Specie of Assessors' Fees,	608 94	
	<hr/>	\$9,398 84
In Exchequer Bills, on account of County Taxes,	273 10	
In Promissory Notes of Settlement of Successions,	1,025 21	
	<hr/>	\$10,697 15
Amount of Specie received on account of Special Deposites, viz :		
On account of County Taxes,	\$5,749 84	
“ “ Assessors' Fees,	567 59	
“ “ Settlement of Successions,	856 91	
	<hr/>	\$7,174 34
		<hr/>
		\$17,871 49

JAS. H. RAYMOND, Treasurer.

Treasurer's Office, Austin, Nov. 1, 1852.



# STATEMENT "C," No. 4.

*Showing the amount appropriated for each class and description of  
and the balance remaining in the Treasury undrawn of each app  
ber, 1852.*

CLASS AND DESCRIPTION OF DEBT.	AMOU APPROP
First Class.—Ten per cent. Funded Debt, 5th Feb'y, 1840,	\$226,5
“ Eight per cent. “ “ “ “ “	7,5
“ Audited paper,	69,4
“ Miscellaneous liabilities,	26,1
“ Interest on various liabilities,	238,1
Second Class Debt,	818,9
Third Class Debt,	42,0
Audited by special acts of the Legislature,	34,0
	\$1,462,8

JAMES



"D."

JAMES H. RAYMOND *in account with the State of Texas, on account of premium collected upon the United States Bonds disbursed on public debt.*

DR.

For three per cent. premium charged and collected upon 572 U. States Bonds bearing five per cent. interest, for \$1,000 each, and numbered from 1 to 572 inclusive, which Bonds were disbursed from the Treasury in payment of public debt prior and up to the 4th day of May, 1852.

\$572,000 at 3 per cent.,

\$17,160 00

CR.

Voucher 1.—By amount paid James B. Shaw, Comptroller, for his bill of expenses to New York city, for the delivery of \$600,000 U. S. bonds, sold to Corcoran & Riggs, and the transportation, insurance and incidental expenses, in the transmission of the specie, proceeds of the sale of U. S. bonds, to the city of Austin,

10,542 75

Voucher 2.—By amount paid Geo. Hancock for services, risks and expenses, in carrying \$50,000, U. S. bonds, to S. M. Williams, Galveston, and bringing back the proceeds of said bonds in specie to the Treasury,

396 93

Voucher 3.—By amount paid E. W. Taylor for carrying to Galveston \$50,000, U. S. bonds, being part of \$100,000 sold to S. M. Williams,

50 00

By amounts paid for advertising sale of bonds, to wit:

Voucher 4.—Paid Picayune Office, N. O.,

80 00

" 5.—Merchant's Day Book and N. York Courier,

53 23

" 6.—Washington Union,

15 75

" 7.—Austin Gazette, Texas,

27 50

" 8.—By amount deposited in the Treasury

Oct. 31st, 1852, per deposit receipt No. 2071,

5,993 84

\$17,160 00

JAS. H. RAYMOND, *Treasurer.*



# С. 27 "Г" УЧЕНИКИ

Список учеников, обучающихся в 1902 году, по классам, с указанием их фамилий, имен, отчеств, дат рождения, мест рождения, а также их родителей.

Дата	Возраст	Имя	Фамилия	Отчество	Дата рождения	Место рождения	Родители
1902	10	Иван	Иванов	Иванович	1902	С. 27	Иван И. Иванов
1902	11	Петр	Петров	Петрович	1902	С. 27	Петр П. Петров
1902	12	Александр	Александров	Александрович	1902	С. 27	Александр А. Александров
1902	13	Николай	Николаев	Николаевич	1902	С. 27	Николай Н. Николаев
1902	14	Сергей	Сергеев	Сергеевич	1902	С. 27	Сергей С. Сергеев
1902	15	Василий	Васильев	Васильевич	1902	С. 27	Василий В. Васильев
1902	16	Андрей	Андреев	Андреевич	1902	С. 27	Андрей А. Андреев
1902	17	Дмитрий	Дмитриев	Дмитриевич	1902	С. 27	Дмитрий Д. Дмитриев
1902	18	Павел	Павлов	Павлович	1902	С. 27	Павел П. Павлов
1902	19	Алексей	Алексеев	Алексеевич	1902	С. 27	Алексей А. Алексеев
1902	20	Игорь	Игорьев	Игорьевич	1902	С. 27	Игорь И. Игорьев
1902	21	Владимир	Владимиров	Владимирович	1902	С. 27	Владимир В. Владимиров
1902	22	Антон	Антоньев	Антоньевич	1902	С. 27	Антон А. Антоньев
1902	23	Кирилл	Кириллов	Кириллович	1902	С. 27	Кирилл К. Кириллов
1902	24	Федор	Федоров	Федорович	1902	С. 27	Федор Ф. Федоров
1902	25	Аркадий	Аркадьев	Аркадьевич	1902	С. 27	Аркадий А. Аркадьев
1902	26	Константин	Константинов	Константинович	1902	С. 27	Константин К. Константинов
1902	27	Вячеслав	Вячеславов	Вячеславович	1902	С. 27	Вячеслав В. Вячеславов
1902	28	Анатолий	Анатолиев	Анатолиевич	1902	С. 27	Анатолий А. Анатолиев
1902	29	Август	Августов	Августович	1902	С. 27	Август А. Августов
1902	30	Виктор	Викторов	Викторович	1902	С. 27	Виктор В. Викторов
1902	31	Амвросий	Амвросиев	Амвросиевич	1902	С. 27	Амвросий А. Амвросиев
1902	32	Аполлон	Аполлонов	Аполлонович	1902	С. 27	Аполлон А. Аполлонов
1902	33	Афанасий	Афанасьев	Афанасьевич	1902	С. 27	Афанасий А. Афанасьев
1902	34	Афанасий	Афанасьев	Афанасьевич	1902	С. 27	Афанасий А. Афанасьев
1902	35	Афанасий	Афанасьев	Афанасьевич	1902	С. 27	Афанасий А. Афанасьев
1902	36	Афанасий	Афанасьев	Афанасьевич	1902	С. 27	Афанасий А. Афанасьев
1902	37	Афанасий	Афанасьев	Афанасьевич	1902	С. 27	Афанасий А. Афанасьев
1902	38	Афанасий	Афанасьев	Афанасьевич	1902	С. 27	Афанасий А. Афанасьев
1902	39	Афанасий	Афанасьев	Афанасьевич	1902	С. 27	Афанасий А. Афанасьев
1902	40	Афанасий	Афанасьев	Афанасьевич	1902	С. 27	Афанасий А. Афанасьев
1902	41	Афанасий	Афанасьев	Афанасьевич	1902	С. 27	Афанасий А. Афанасьев
1902	42	Афанасий	Афанасьев	Афанасьевич	1902	С. 27	Афанасий А. Афанасьев
1902	43	Афанасий	Афанасьев	Афанасьевич	1902	С. 27	Афанасий А. Афанасьев
1902	44	Афанасий	Афанасьев	Афанасьевич	1902	С. 27	Афанасий А. Афанасьев
1902	45	Афанасий	Афанасьев	Афанасьевич	1902	С. 27	Афанасий А. Афанасьев
1902	46	Афанасий	Афанасьев	Афанасьевич	1902	С. 27	Афанасий А. Афанасьев
1902	47	Афанасий	Афанасьев	Афанасьевич	1902	С. 27	Афанасий А. Афанасьев
1902	48	Афанасий	Афанасьев	Афанасьевич	1902	С. 27	Афанасий А. Афанасьев
1902	49	Афанасий	Афанасьев	Афанасьевич	1902	С. 27	Афанасий А. Афанасьев
1902	50	Афанасий	Афанасьев	Афанасьевич	1902	С. 27	Афанасий А. Афанасьев



**STATEMENT "B." No. 5.**

*Of Special Deposites in the Treasury, to the credit of Estates of deceased.*

DATE OF DEPOSITE.		BY WHOM DEPOSITED.	TO SUCCESSION OF.
May	1839	D. M. Stapp, Administra'r,	Joel Hile, deceased.
July	1840	Thomas Simmons, "	Warren Aborn, "
Nov'r	"	Young Goleman, "	Peter Aldrich, "
"	1842	Thos. Wm. Ward, "	John Jones, "
August	1846	Randall Jones, "	John L. Monks, "
Decem'r	1848	Jas. H. Gillespie, "	Lathrop Chase, "
April	1849	W. Y. McFarland, "	Young J. Parker, "
March	1849	H. J. Rennest, "	C. Anderton, "
May	"	James M. Allen, "	Daniel Harden, "
"	"	Jno. W. Middleton, "	Keran Brunnan, "
August	"	E. D. Wright, "	E. D. Munster, "
Septem'r	"	Z. Ellison, "	D. Quingley, "
Decem'r	"	Andrew Neill, "	John McClure, "
June	1850	A. J. Hamilton, "	H. Trenor, "
Septem.	"	Julius Rennest, "	C. Anderton, "
January	1851	John G. Seiper, "	Henry Droop, "
"	"	Thomas Gray, "	William Leach, "
March	"	H. L. Anderson, "	Samuel Barnett, "
May	"	Paris Smith, "	William Mitchell, "



August	"	Oscar Engledore,	"	F. T. Taylor,	"
Septem.	"	F. B. Webb,	"	Hiram Warren,	"
October	"	R. H. Chisholm,	"	V. V. Poinsette,	"
April	1852	Oscar Engledore,	"	Isaac Simpson,	"
May	"	M. P. Clary,	"	David Clary,	"
"	"	W.W. Morris & J. Der-			
"	"	maid, Executors,		Ben. Foscue,	"
"	"	Isham Thompson, Adm'r,		James A. Calvin,	"
"	"	S. L. Jones,	"	John Kellen,	"

Treasurer's Office, Austin, Texas, November 1, 1852.

JAS. H.







Messrs Evans of Bexar, Bee and Rowe were appointed a committee to wait upon the Senate, and inform that body that His Excellency the Governor's Message had been received, and tender an invitation to the Honorable the Senate to take a seat within the House of Representatives for the purpose of hearing the same read.

The Senate was then received, and His Excellency the Governor's Message read to the House of Representatives and Senate in joint session.

On motion of Mr. Scott, 5,000 copies of the Governor's message was ordered to be printed; amended by Mr. Bryan of Cameron, 500 copies, each, of Spanish and German.

On motion of Mr. Daggett, House adjourned until 3 o'clock, p. m.

THREE O'CLOCK, P. M.

House met—roll called—quorum present.

Mr. Evans of Polk submitted the following resolution:

*Resolved*, That the Speaker appoint a committee on Military Affairs, to consist of seven members, and that the Hon. E. H. Tarrant be appointed chairman of said committee; adopted.

Whereupon the Speaker appointed Messrs. Tarrant, Lane, Edwards, Evans of P., Neighbors, Hord and Johnson said committee.

Mr. Neighbors introduced a bill to be entitled an act to encourage Internal Improvements in the State of Texas; read first time.

Mr. Neighbors moved a suspension of the rule requiring bills to be read on three several days; lost.

Mr. Mabry offered the following resolution:

*Resolved*, That so much of the Governor's message as relates to Austin's Colony, be referred to a Select committee; which was adopted. Whereupon, the Speaker appointed the following committee: Messrs. Mabry, Hamilton, Bryan of B., Hardeman of C., White and Turner.

Mr. Jowers offered the following resolution:

*Resolved*, That the committee on Public Printing be, and they are hereby required to contract for thirty copies of the State Gazette per week for each member of this House.

Mr. Scott offered the following as a substitute, which was accepted:

*Resolved*, That the House of Representatives, in lieu of the number of tri-weekly papers taken at the last session of the



Legislature, will subscribe for thirty copies of the Gazette and the same number of the South-Western American; provided, that the proceedings of the House shall be published in one of said papers, and the debates published in the other, and that the committee on Printing be instructed to contract with the proprietors of the respective papers mentioned above.

Mr. Evans of Polk moved to strike out "thirty" and insert "fifteen."

Mr. Scott moved to lay the amendment on the table.

The yeas and nays being called for, were taken and stood as follows:

YEAS—Messrs. Speaker, Bee, Bryan of C., Browder, Flanagan, Hamilton, Hardeman of C., Hood, Hord, Johnson, Jowers, Lane, Lawson, Mabry, McDade, Palmer, Patrick, Scott, Stapp, Taylor of F., Taylor of H., Throckmorton and Turner—23.

NAYS—Messrs. Andrews, Bryan of B., Cannon, Charlton, Coles, Crabb, Daggett, Doom, Dunlap, Edwards, Evans of B., Evans of A., Evans of P., Hartley, Hardeman of N., Hooker, Lott, Maverick, Neighbors, Pollock, Rains, Randolph, Reed, Rossy, Runnels, Russel, Speight, Tarrant, Thomson, Westmoreland, White, Wilson and Wren—33. Motion lost.

Mr. Scott moved to amend by striking out "fifteen" and inserting twenty-five.

Mr. Browder moved to lay the amendment on the table; carried.

Mr. Browder moved to reconsider.

Mr. Palmer moved to lay the motion to reconsider on the table; lost.

Question on a reconsideration taken and carried.

Mr. Runnels moved to lay the resolution and amendments on the table; lost.

Question on the adoption of the amendment to the amendment.

Mr. Bryan of Brazoria moved the reference to the committee on Public Printing, with instructions to report on to-morrow morning; carried.

A message was received from the Senate, through their Secretary, informing the House of the election of Mr William H. Parsons as Enrolling Clerk, and Mr. John Flint, Reporter to that body for the present session.

Mr. Stapp presented the following resolution:

*Resolved*, That that portion of the Governor's message which



has reference to frontier defence, be referred to the committee on Military Affairs;

That portion which relates to a general system of internal improvements, to the committee on Internal Improvements.

That portion which relates to Senators and Representatives, be referred to the committee on Apportionment.

That portion in relation to a geological reconnoissance of the State, be referred to the committee on State Affairs.

Mr. Taylor of Fannin moved to amend by adding:

"And that portion which refers to Peters' Colony to a Select committee to be appointed by the Speaker;" adopted.

Whereupon the Speaker appointed Messrs. Johnson, Patrick, Hartley, Edwards and Bryan of Brazoria, said committee.

Mr. Cannon moved to amend by adding:

"And that portion which relates to education, to the committee on Education;" adopted.

Mr. Stapp moved to amend by adding:

"That portion which relates to the Public Debt, to the committee on Public Debt;" adopted.

Question then recurred on the adoption of the resolution as amended, and was carried.

On motion of Mr. Bryan of Cameron, Mr. Palmer was added to the committee on Internal Improvements.

Mr. Taylor of Fannin presented a bill to be entitled an act to re-open the Auditorial Board; read first time.

Mr. Flanagan introduced a bill for the relief of A. A. Whatley; read first time.

Mr. Evans of Austin introduced a bill for the relief of David Andrews; read first time.

Mr. Daggett introduced the following bills:

A bill for the relief of George W. Parrish and Roswell Gorman;

A bill for the relief of James Morris;

A bill for the relief of George W. Browning;

A bill for the relief of Jackson G. Walker; and

A bill for the relief of Charles R. Slaughter, which were severally read a first time.

Mr. Patrick presented a bill to apportion the Senators and Representatives of the legislature, among the several counties of this State according to the requirements of the Constitution; read first time.

By leave, Mr. Runnels presented the petition of A. L. Hulme; read, and referred to the committee on Private Land Claims.

On motion of Mr. Charlton, the House adjourned until tomorrow 10 o'clock, a. m.